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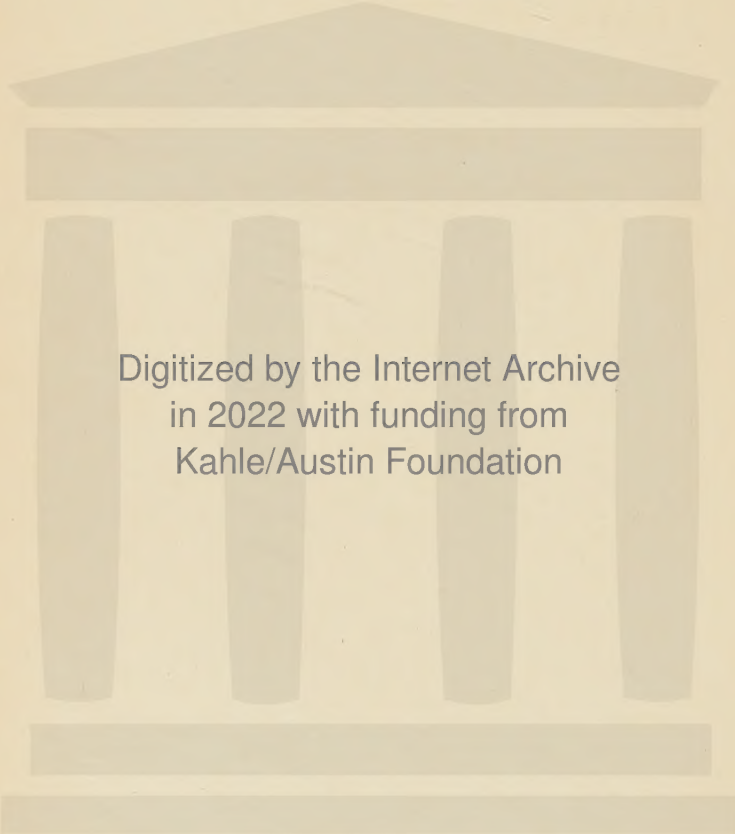


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# THE DRAFTING OF THE COVENANT

*By*

DAVID HUNTER MILLER

WITH AN INTRODUCTION BY  
NICHOLAS MURRAY BUTLER

*VOLUME TWO*

G. P. PUTNAM'S SONS

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THE DRAFTING OF THE COVENANT  
VOLUME TWO

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# CONTENTS

OF

## VOLUME TWO

| DOCUMENT   | PAGE |
|--|------|
| 1. THE PHILLIMORE PLAN, MARCH 20, 1918 . . . . .   | 3    |
| 2. DRAFT OF COLONEL HOUSE, JULY 16, 1918 . . . . .   | 7    |
| 3. WILSON'S FIRST DRAFT . . . . .  | 12   |
| 4. EQUALITY OF TRADE CONDITIONS, AMERICAN DRAFT,<br>BRITISH DRAFT AND NOTES . . . . .                                      | 16   |
| 5. THE SMUTS PLAN . . . . .  | 23   |
| 6. THE CECIL PLAN, JANUARY 14, 1919 . . . . .  | 61   |
| The changes from the earlier draft are noted.  |      |
| 7. WILSON'S SECOND DRAFT OR FIRST PARIS DRAFT, JAN-<br>UARY 10, 1919, WITH COMMENTS AND SUGGESTIONS<br>BY D. H. M. . . . . | 65   |
| 8. SUGGESTIONS OF GENERAL TASKER H. BLISS, JANUARY<br>14, 1919, REGARDING WILSON'S FIRST PARIS DRAFT .                     | 94   |
| 9. WILSON'S THIRD DRAFT OR SECOND PARIS DRAFT, JAN-<br>UARY 20, 1919 . . . . .   | 98   |
| 10. BRITISH DRAFT CONVENTION, JANUARY 20, 1919, WITH<br>NOTES . . . . .  | 106  |
| The changes from the earlier draft of Cecil, January<br>16, are noted.   |      |
| 11. AMALGAMATION OF WILSON'S SECOND PARIS DRAFT AND<br>BRITISH DRAFT SUGGESTED BY LORD EUSTACE PERCY                       | 117  |
| 12. CECIL-MILLER DRAFT, JANUARY 27, 1919 . . . . .   | 131  |
| 13. REVISION OF MR. HURST . . . . .  | 142  |
| 14. WILSON'S FOURTH DRAFT OR THIRD PARIS DRAFT, FEB-<br>RUARY 2, 1919 . . . . .  | 145  |
| 15. PLENARY SESSION OF THE PEACE CONFERENCE, JANUARY<br>25, 1919 . . . . .   | 155  |
| 16. SUPREME WAR COUNCIL, FEBRUARY 12, 1919 . . . . .   | 165  |
| 17. THE COUNCIL OF TEN, FEBRUARY 22 AND FEBRUARY<br>24, 1919 . . . . .   | 179  |
| 18. THE COUNCIL OF TEN, JANUARY 30, 1919 . . . . .   | 194  |
| 19. MINUTES (ENGLISH) OF THE COMMISSION ON THE<br>LEAGUE OF NATIONS . . . . .  | 229  |

| DOCUMENT   | PAGE |
|--|------|
| 20. MINUTES (FRENCH) OF THE COMMISSION ON THE<br>LEAGUE OF NATIONS . . . . .                         | 395  |
| 21. ITALIAN DRAFT . . . . .  | 539  |
| 22. BRITISH AMENDMENTS . . . . .   | 548  |
| 23. PLENARY SESSION OF THE PEACE CONFERENCE, FEB-<br>RUARY 14, 1919 . . . . .                        | 557  |
| 24. TEXT AGREED ON BY WILSON AND CECIL, MARCH 18,<br>1919 . . . . .                                  | 580  |
| 25. MEETINGS WITH THE NEUTRAL POWERS, MARCH 20 AND<br>MARCH 21, 1919 . . . . .                       | 592  |
| 26. BRITISH AMENDMENTS IN FRENCH, MARCH 26, 1919 .   | 646  |
| 27. DRAFT OF MARCH 26, 1919 . . . . .  | 648  |
| 28. TEXT OF HURST AND MILLER FOR DRAFTING COMMITTEE,<br>MARCH 31, 1919 . . . . .                     | 658  |
| 29. BRITISH PROPOSALS TO DRAFTING COMMITTEE, APRIL 1,<br>1919 . . . . .                              | 668  |
| 30. TEXT FROM DRAFTING COMMITTEE, APRIL 5, 1919 .  | 672  |
| 31. ENGLISH TEXT OF APRIL 21, 1919 . . . . .   | 683  |
| 32. REPORT (ENGLISH) OF THE COMMISSION ON THE LEAGUE<br>OF NATIONS, APRIL 28, 1919 . . . . .         | 695  |
| 33. PLENARY SESSION OF THE PEACE CONFERENCE, APRIL<br>28, 1919 . . . . .                             | 699  |
| 34. COVENANT TEXT IN THE TREATY OF VERSAILLES<br>(FRENCH AND ENGLISH) . . . . .                      | 720  |
| 35. GERMAN DRAFT (GERMAN AND ENGLISH) . . . .  | 744  |
| 36. FRENCH TEXT OF APRIL 7, 1919 . . . . .   | 762  |
| 37. FRENCH TEXTS WRITTEN WITH DE LAPRADELLE, APRIL<br>16 AND 17, AND WITH LARNAUDE, APRIL 18, 1919 . | 773  |
| 38. FRENCH PRINT OF APRIL 21, 1919 . . . . .   | 791  |
| 39. FRENCH PRINT OF APRIL 23, 1919 . . . . .   | 803  |
| 40. REPORT (FRENCH) OF THE COMMISSION ON THE LEAGUE<br>OF NATIONS, APRIL 28, 1919 . . . . .          | 815  |
| INDEX BY ARTICLE NUMBERS . . . . .   | 833  |
| GENERAL SUBJECT INDEX . . . . .  | 843  |

THE DRAFTING OF THE  
COVENANT

*The documental material is generally quoted or copied literally, even when there seems to be an obvious slip in the wording of the writer or transcriber; on the other hand, such matters as spelling and accents have generally been put right.*

**The Phillimore Plan, March 20, 1918**

**DRAFT CONVENTION**

(There will be a Preamble reciting that the object of this Convention is to create a League of Nations which will, if possible, prevent all wars in the future.)

*Avoidance of War.*

Article 1. Each of the Allied States (being the parties to this Convention) agrees with the other Allied States collectively and separately that it will not go to war with another of the Allied States—

- a. without previously submitting the matter in dispute to arbitration or to a Conference of the Allied States; and
- b. until there has been an award or a report by the Conference, provided that in the case mentioned in Article 12 the observance of this sub-clause is suspended;

and also that it will not go to war—

- c. with another of the Allied States which complies with the award or with the recommendation (if any) made by the Conference in its report.

Article 2. If, which may God avert, one of the Allied States should break the covenant contained in the preceding Article, this State will become *ipso facto* at war with all the other Allied States, and the latter agree to take and to support each other in taking jointly and severally all such measures—military, naval, financial, and economic—as will best avail for restraining the breach of covenant. Such financial and economic measures shall include severance of all relations of trade and finance with the subjects of the covenant-breaking State, prohibition against the subjects of the Allied States entering into any relations with the subjects of the covenant-breaking State, and the prevention, so far as possible, of the subjects of the covenant-breaking State from having any commercial or financial intercourse with the subjects of any other State, whether party to this Convention or not.

For the purpose of this Article, the Allied States shall detain any ship or goods belonging to any of the subjects of the covenant-breaking State or coming from or destined for any person residing in the territory of such state and shall take any other similar steps which shall be necessary for the same purpose.

Such of the Allied States (if any) as cannot make an effective

contribution of military or naval force shall at the least take the other measures indicated in this Article.

*Pacific Settlement of International Disputes.*

Article 3. If a dispute should hereafter arise between any of the Allied States as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the nature and extent of the reparation to be made for any such breach, if such dispute cannot be settled by negotiation, arbitration is recognized by the Allied States as the most effective and at the same time the most equitable means of settling the dispute.

Article 4. But if the Allied States concerned do not agree that the dispute is suitable for reference to arbitration or do not agree as to the question to be referred or as to the composition of the tribunal of arbitration, or if for any other reason a reference to arbitration should prove impracticable, any one of the Allied States concerned may make application to the Conference of the Allied States to take the matter of the dispute into consideration.

Article 5. The seat of the Conference shall be at X, the Convener shall be the Sovereign or President of the State of X, and his representative shall be president of the Conference. The Allied States shall be represented at the Conference by their diplomatic representatives accredited to the State of X. In the event of X being one of the States parties to the dispute, either State may communicate with the Sovereign or President of Y, who thereupon shall become the Convener and shall fix the seat of the Conference and name its president.

The provisions of this Article shall not prejudice the right of any of the Allied States to send other representatives to the Conference, but the Conference shall be under no obligation to await their arrival.

Article 6. It shall be the duty of the Convener of the Conference to give notice of the applications to the Conference to every State party to the dispute and to summon the Conference as speedily as possible.

Article 7. The Conference shall regulate its own procedure, and may appoint Committees to enquire and report. In all matters covered by this Article the Conference may decide by the votes of a majority of the Allied States represented.

Article 8. The function of the Conference shall be to ascertain the facts with regard to the dispute, and to make a recommendation based on the merits of the case, and calculated to ensure a just and lasting settlement. The recommendation shall not have the force of a decision.

Article 9. The Allied States agree to place at the disposal of

the Conference, or any Committee appointed by the Conference, to the fullest possible extent compatible with their interests, the information in their possession which bears upon the dispute.

Article 10. The recommendation of the Conference shall be addressed to the parties to the dispute, and will not require their assent.

Article 11. In the event of the Conference being unable to agree upon a recommendation to be addressed to the parties to the dispute, it shall be the duty of the representatives of such of the Allied States attending the Conference as shall be satisfied as to the nature of the recommendation which should be made—provided that they represent not less than a majority of the Allied States attending the Conference—to publish on behalf of the States which they represent a statement setting out what they believe to be the facts with regard to the dispute. They may also add thereto the text of the recommendation which they consider the Conference should have addressed to the parties to the dispute.

Alternative Article 11. If, in the event of the Conference being unable to agree upon a recommendation to be addressed to the parties to the dispute, any State or group of States having taken part in the Conference issues a public statement of the view which, as a result of the deliberations of the Conference, it takes of the dispute, such action shall not be regarded as an unfriendly act by either of the parties to the dispute.

Article 12. Any one of the Allied States having a dispute pending may apply to the Conference to be relieved from the moratorium imposed by Article 1 (b) on the ground that there is a continuing injury, or on the ground that unless some prompt provision for reparation or restitution is made the injury will be irreparable. The Conference shall, without deciding in any way upon the merits of the dispute, forthwith consider this application, and may relieve the applicant State from the provisions of the moratorium, or may suggest terms of temporary arrangement as a condition of not relieving the applicant State from the moratorium, and may from time to time consider the application and the terms which should be imposed. In the event of relief from the provisions of the moratorium being granted under this Article, any of the Allied States may, notwithstanding the provisions of Article 1, come to the assistance of the State so relieved.

*Relations between the Allied States and States not Party to this Convention.*

Article 13. As regards disputes between one of the Allied States and a State not party to this Convention, the Allied State shall endeavor to obtain submission of the dispute to arbitration, if it be of a

suitable nature for arbitration, and if the dispute be not of a nature suitable for arbitration, or if the other State will not agree to submit it to arbitration, the Allied State shall bring it before the Conference. In the latter event the Convener of the Conference shall, in the name of the League of Nations, invite the State not party to this Convention to become for this purpose a party to the Conference and to submit its case to the Conference, and in such case the provisions hereinbefore contained shall be applicable to the dispute both against and in favor of such State in all respects as if it were a party to this Convention.

Article 14. If the State not party to this Convention will not accept the invitation to become *ad hoc* a party to the Conference, the Conference may enquire into the dispute *ex parte*, and may make a recommendation in the same way as if both parties were present.

Article 15. If the Allied State shall be attacked by the other State before an award or a report of the Conference is made, or notwithstanding the compliance of the Allied State with the award or the recommendation (if any) made by the Conference in its report, any of the Allied States may come to its assistance.

Article 16. In the case of a dispute between States none of whom are parties to this Convention, any of the Allied States may bring the matter before the Conference with a view to the Conference using its good offices to prevent war.

Article 17. Any State not party to this Convention may apply to the Conference for leave to become a party. The Conference will forthwith examine the application favorably, and will determine whether it should be granted and whether it is necessary to impose any terms.

### *Conflict of Treaties.*

Article 18. A. The Allied States severally agree that the present Convention abrogates all treaty obligations *inter se* inconsistent with the terms hereof, and that they will not enter into any engagements inconsistent with the terms hereof.

B. Where any of the Allied States, before becoming party to this Convention, shall have entered into any treaty imposing upon it obligations inconsistent with the terms of this Convention, it shall be the duty of such State to take immediate steps to procure its release from such obligations.

**Draft of Colonel House, July 16, 1918**

SUGGESTION FOR A  
COVENANT OF A LEAGUE OF NATIONS

*Preamble.*

International civilization having proved a failure because there has not been constructed a fabric of law to which nations have yielded with the same obedience and deference as individuals submit to intra-national laws, and because public opinion has sanctioned unmoral acts relating to international affairs, it is the purpose of the States signatory to this Convention to form a League of Nations having for its purpose the maintenance throughout the world of peace, security, progress and orderly government. Therefore it is agreed as follows:

Article 1. The same standards of honor and ethics shall prevail internationally and in affairs of nations as in other matters. The agreement or promise of a Power shall be inviolate.

Article 2. No official of a Power shall, either directly or by indirection on behalf of his Government, be expected or permitted to act or communicate other than consistently with the truth, the honor and the obligation of the power which he represents.

Article 3. Any attempt by a Power, either openly or in secret, whether by propaganda or otherwise, to influence one Power or nation against another shall be deemed dishonorable.

Article 4. Any open or direct inquiry regarding the acts or purposes of a Power may be made by another Power as of course, and shall be regarded as an act of friendship tending to promote frankness in international relations, but any secret inquiry to such end shall be deemed dishonorable.

Article 5. Any war or threat of war is a matter of concern to the League of Nations, and to the Powers, members thereof.

Article 6. The Ambassadors and Ministers of the Contracting Powers to X and the Minister for Foreign Affairs of X shall act as the respective delegates of the Powers in the League of Nations. The meetings of the delegates shall be held at the seat of government of X, and the Minister for Foreign Affairs of X shall be the presiding officer.

If the delegates deem it necessary or advisable, they may meet temporarily at the seat of government of Y or Z, in which case the Ambassador or Minister to X of the country in which the meeting is held, shall be the presiding officer *pro tempore*.

Article 7. The Delegates shall meet in the interests of peace whenever war is rumored or threatened, and also whenever a Delegate of any power shall inform the Delegates that a meeting in the interests of peace is advisable.

Article 8. The Delegates shall also meet at such other times as they shall from time to time determine.

Article 9. The Delegates shall regulate their own procedure and may appoint committees to inquire and report. The Delegates shall constitute a Secretariat and fix the duties thereof and all expenses of the Secretariat shall be paid by the Contracting Powers as the Delegates may determine. In all matters covered by this article the Delegates may decide by the votes of a majority of the Contracting Powers represented.

Article 10. An International Court composed of not more than fifteen members shall be constituted, which shall have jurisdiction to determine any difference between nations which has not been settled by diplomacy, arbitration, or otherwise, and which relates to the existence, interpretation, or effect of a treaty, or which may be submitted by consent, or which relates to matters of commerce, including in such matters, the validity or effect internationally of a statute, regulation or practice. The Delegates may at their discretion submit to the Court such other questions as may seem to them advisable.

The judges of the International Court, shall, both originally and from time to time as vacancies may occur, be chosen by the Delegates. A judge of the International Court shall retire from office when he shall have reached the age of seventy-two years, and may be so retired at any time by a vote of two thirds of the Delegates, but in case of retirement of a judge from office, the salary paid to him shall be continued to be so paid during his natural life.

A judge may be removed by a vote of two thirds of the Delegates. The International Court shall formulate its own rules of procedure.

Article 11. Any difference between nations relating to matters of commerce and which involves the validity or effect internationally of a statute, regulation or practice, shall, if the Power having adopted such statute, regulation or practice so request, be submitted to its highest national court for decision, before submission to the International Court.

Article 12. The highest national court of each Contracting Power shall have jurisdiction to hear and finally determine any international dispute which may be submitted by consent for its decision.

Article 13. The Contracting Powers agree that all disputes between or among them or any of them of any nature whatsoever which shall not be settled by diplomacy and which are not within the provisions of Article 10 shall be referred for arbitration before three arbitrators, one to be selected by each party to the dispute and one to be chosen by two arbitrators so selected, or in the event of their

failure to agree to such choice, the third arbitrator shall be selected by the Delegates.

The decision of the arbitrators may be set aside on the appeal of a party to the dispute, by a vote of three fourths of the Delegates, if the decision of the arbitrators was unanimous, and by a vote of two thirds of the Delegates if the decision of the arbitrators was not unanimous, but shall otherwise be finally binding and conclusive.

When any decision of the arbitrators shall have been set aside by the Delegates, the dispute shall again be submitted to arbitration before three arbitrators, chosen as heretofore provided, but none of whom shall have previously acted as such and the decision of the arbitrators upon the second arbitration shall be finally binding and conclusive without right of appeal.

Article 14. Any Power which the Delegates determine shall have failed to submit to the International Court any dispute of which that Court has jurisdiction as of course, or failed or neglected to carry out any decision of that Court, or of a national court to which a dispute has been submitted by consent for decision, or failed to submit to arbitration any dispute pursuant to Article 13 hereof, or failed to carry out any decision of the arbitrators, shall thereupon lose and be deprived of all rights of commerce and intercourse with the Contracting Powers.

Article 15. If any Power shall declare war or begin hostilities before submitting a dispute with another Power as the case may be, either to the International Court or to Arbitrators, as herein provided, or shall declare war or begin hostilities in regard to any dispute which has been decided adversely to it by said Court or by Arbitrators or pursuant to Article 12 hereof, as the case may be, the Contracting Powers shall not only cease all commerce and intercourse with that Power as in Article 14 provided, but shall also arrange to blockade and close the frontiers of that power to commerce and intercourse with the world.

Article 16. As regards disputes between one of the Contracting Powers and a Power not a party to this Convention, the Contracting Power shall endeavor to obtain submission of the dispute to judicial decision or to arbitration. If the other state will not agree to submit the dispute to judicial decision or to arbitration the Contracting Powers shall bring it before the Delegates. In the latter event the Delegates shall in the name of the League of Nations invite the state not a party to this Convention to become *ad hoc* a party and to submit its case to judicial decision or to arbitration and in such case the provisions hereinbefore contained shall be applicable to the dispute both against and in favor of such state in all respects as if it were a party to this Convention.

Article 17. If the state not a party to this Convention will not accept the invitation to become *ad hoc* a party, the Delegates shall

inquire into the dispute and shall make a recommendation in respect thereof.

Article 18. If hostilities shall be commenced against the Contracting Power by the other state before a decision of the dispute, or before the recommendation made by the Delegates in respect thereof, or contrary to such recommendation, the Contracting Powers will thereupon cease all commerce and intercourse with the other state and will also arrange to blockade and close the frontiers of that state to commerce and intercourse with the world and any of the Contracting Powers may come to the assistance of the Contracting Power against which hostilities have been commenced.

Article 19. In the case of a dispute between states not parties to this Convention, any Power may bring the matter before the Delegates, who shall tender the good offices of the League of Nations with a view to the peaceable settlement of the dispute.

If one of the Powers, party to the dispute, shall offer and agree to submit its interests and cause of action in regard thereto wholly to the control and decision of the League of Nations, that Power shall *ad hoc* be deemed a Contracting Power. If no one of the Powers, parties to such dispute, shall so offer and agree, the Delegates shall take such action and make such recommendations to their Governments as will preserve peace and prevent hostilities and result in the settlement of the dispute.

Article 20. The Contracting Powers unite in several guarantees to each other of their territorial integrity and political independence, subject, however, to such territorial modifications, if any, as may become necessary in the future by reason of changes in present racial conditions and aspirations, pursuant to the principle of self-determination and as shall also be regarded by three fourths of the Delegates as necessary and proper for the welfare of the peoples concerned; recognizing also that all territorial changes involve equitable compensation and that the peace of the world is superior in importance and interest to questions of boundary.

Article 21. The Contracting Powers recognize the principle that permanent peace will require that national armaments shall be reduced to the lowest point consistent with safety, and the Delegates are directed to formulate at once a plan by which such a reduction may be brought about. The plan so formulated shall not be binding until and unless unanimously approved by the Governments signatory to this Covenant.

The Contracting Powers agree that munitions and implements of war shall not be manufactured by private enterprise and that publicity as to all national armaments and programmes is essential.

Article 22. Any Power not a party to this Convention may apply to the Delegates for leave to become a party. The Delegates may act favorably on the application if they shall regard the granting

thereof as tending to promote the peace and security of the world.

Article 23. A. The Contracting Powers severally agree that the present Convention abrogates all treaty obligations *inter se* inconsistent with the terms thereof, and that they will not enter into any engagements inconsistent with the terms hereof.

B. Where any of the Contracting Powers, before becoming party to this Convention, shall have entered into any treaty imposing upon it obligations inconsistent with the terms of this Convention, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

**Wilson's First Draft**

COVENANT.

*Preamble.*

In order to secure peace, security, and orderly government by the prescription of open and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect of all treaty obligations in the dealings of all organized peoples with one another, the Powers signatory to this covenant and agreement jointly and severally adopt this constitution of the League of Nations.

Article I. The action of the Signatory Powers under the terms of this agreement shall be effected through the instrumentality of a Body of Delegates which shall consist of the ambassadors and ministers of the contracting Powers accredited to H. and the Minister for Foreign Affairs of H. The meetings of the Body of Delegates shall be held at the seat of government of H. and the Minister for Foreign Affairs of H. shall be the presiding officer of the Body.

Whenever the Delegates deem it necessary or advisable, they may meet temporarily at the seat of government of B. or of S., in which case the Ambassador or Minister to H. of the country in which the meeting is held shall be the presiding officer *pro tempore*.

Article II. The Body of Delegates shall regulate their own procedure and shall have power to appoint such committees as they may deem necessary to inquire into and report upon any matters which lie within the field of their action.

They shall organize a Secretariat to act as their ministerial agency, and the expense of the maintenance of the Secretariat shall be borne as they may prescribe.

In all matters covered by this Article the Body of Delegates may decide by a majority vote of the whole Body.

Article III. The Contracting Powers unite in guaranteeing to each other political independence and territorial integrity; but it is understood between them that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations or present social and political relationships, pursuant to the principle of self-determination, and also such territorial readjustments as may in the judgment of three fourths of the Delegates be demanded by the welfare and manifest interest of the peoples concerned, may be effected, if agreeable to those peoples; and that territorial changes may in equity involve material

compensation. The Contracting Powers accept without reservation the principle that the peace of the world is superior in importance to every question of political jurisdiction or boundary.

Article iv. The Contracting Powers recognize the principle that the establishment and maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Delegates are directed to formulate at once plans by which such a reduction may be brought about. The plan so formulated shall be binding when, and only when, unanimously approved by the Governments signatory to this Covenant.

The Contracting Powers further agree that munitions and implements of war shall not be manufactured by private enterprise or for private profit, and that there shall be full and frank publicity as to all national armaments and military or naval programmes.

Article v. The Contracting Powers agree that all disputes arising between or among them of whatever nature, which shall not be satisfactorily settled by diplomacy, shall be referred for arbitration to three arbitrators, one of the three to be selected by each of the parties to the dispute, when there are but two such parties, and the third by the two thus selected. When there are more than two parties to the dispute, one arbitrator shall be named by each of the several parties and the arbitrators thus named shall add to their number others of their own choice, the number thus added to be limited to the number which will suffice to give a deciding voice to the arbitrators thus added in case of a tie vote among the arbitrators chosen by the contending parties. In case the arbitrators chosen by the contending parties cannot agree upon an additional arbitrator or arbitrators, the additional arbitrator or arbitrators shall be chosen by the Body of Delegates.

On the appeal of a party to the dispute the decision of the arbitrators may be set aside by a vote of three-fourths of the Delegates, in case the decision of the arbitrators was unanimous, or by a vote of two-thirds of the Delegates in case the decision of the arbitrators was not unanimous, but unless thus set aside shall be finally binding and conclusive.

When any decision of arbitrators shall have been thus set aside the dispute shall again be submitted to arbitrators chosen as heretofore provided, none of whom shall, however, have previously acted as arbitrators in the dispute in question, and the decision of the arbitrators rendered in this second arbitration shall be finally binding and conclusive without right of appeal.

Article vi. Any power which the Body of Delegates shall declare to have failed to submit any dispute to arbitration under the terms of Article v of this Covenant or to have refused or failed to carry out any decision of such arbitration shall thereupon lose

and be deprived of all rights of commerce and intercourse with any of the Contracting Powers.

Article VII. If any Power shall declare war or begin hostilities, or take any hostile step short of war, against another Power before submitting the dispute involved to arbitrators as herein provided, or shall declare war or begin hostilities, or take any hostile step short of war, in regard to any dispute which has been decided adversely to it by arbitrators chosen and empowered as herein provided, the Contracting Powers hereby bind themselves not only to cease all commerce and intercourse with that Power but also to unite in blockading and closing the frontiers of that power to commerce or intercourse with any part of the world and to use any force that may be necessary to accomplish that object.

Article VIII. Any war or threat of war, whether immediately affecting any of the Contracting Powers or not, is hereby declared a matter of concern to the League of Nations and to all the Powers signatory hereto, and those Powers hereby reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

The Delegates shall meet in the interest of peace whenever war is rumoured or threatened, and also whenever the Delegate of any Power shall inform the Delegates that a meeting and conference in the interest of peace is advisable.

The Delegates may also meet at such other times and upon such other occasions as they shall from time to time deem best and determine.

Article IX. In the event of a dispute arising between one of the Contracting Powers and a Power not a party to this Covenant, the Contracting Power involved hereby binds itself to endeavor to obtain the submission to the dispute to judicial decision or to arbitration. If the other Power will not agree to submit the dispute to judicial decision or to arbitration, the Contracting Power shall bring the matter to the attention of the Body of Delegates. The Delegates shall in such case, in the name of the League of Nations, invite the Power not a party to this Covenant to become *ad hoc* a party and to submit its case to judicial decision or to arbitration, and if that Power consents it is hereby agreed that the provisions hereinbefore contained and applicable to the submission of disputes to arbitration shall be in all respects applicable to the dispute both in favour of and against such Power as if it were a party to this Covenant.

In case the Power not a party to this Covenant shall accept the invitation of the Delegates to become *ad hoc* a party, it shall be the duty of the Delegates immediately to institute an inquiry into the circumstances and merits of the dispute involved and to recommend such joint action by the Contracting Powers as may seem best and most effectual in the circumstances disclosed.

Article x. If hostilities should be begun or any hostile action taken against the Contracting Power by the Power not a party to this Covenant before a decision of the dispute by arbitrators or before investigation, report, and recommendation by the Delegates in regard to the dispute, or contrary to such recommendation, the Contracting Powers shall thereupon cease all commerce and communication with that Power and shall also unite in blockading and closing the frontiers of that Power to all commerce or intercourse with any part of the world, employing jointly any force that may be necessary to accomplish that object. The Contracting Powers shall also unite in coming to the assistance of the Contracting Power against which hostile action has been taken, combining their armed forces in its behalf.

Article xi. In case of a dispute between states not parties to this Covenant, any Contracting Power may bring the matter to the attention of the Delegates, who shall thereupon tender the good offices of the League of Nations with a view to the peaceable settlement of the dispute.

If one of the states, a party to the dispute, shall offer and agree to submit its interests and cause of action wholly to the control and decision of the League of Nations, that state shall *ad hoc* be deemed a Contracting Power. If no one of the states, parties to the dispute, shall so offer and agree, the Delegates shall of their own motion take such action and make such recommendation to their governments as will prevent hostilities and result in the settlement of the dispute.

Article xii. Any Power not a party to this Covenant may apply to the Body of Delegates for leave to become a party. If the Delegates shall regard the granting thereof as likely to promote the peace, order, and security of the World, they may act favourably on the application, and their favourable action shall operate to constitute the Power so applying in all respects a full signatory party to this Covenant.

Article xiii. The Contracting Powers severally agree that the present Covenant and Convention is accepted as abrogating all treaty obligations *inter se* which are inconsistent with the terms hereof, and solemnly engage that they will not enter into any engagements inconsistent with the terms hereof.

In case any of the Powers signatory hereto or subsequently admitted to the League of Nations shall, before becoming a party to this covenant, have undertaken any treaty obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

**Equality of Trade Conditions**  
**American Draft, British Draft and Notes**

DECLARATION FOR EQUALITY OF TRADE CONDITIONS

*(American Draft)* <sup>1</sup>

The Powers signatory of the Agreement for a League of Nations declare as a part of said Agreement:

1. For the purposes of this declaration every dominion, colony, protectorate, dependency, or possession having now a tariff system in any measure distinct from that applicable to the country with which it is politically connected, shall be regarded as a State.

NOTE:

A distinction between what may be called, "Economic units" and "Units of sovereignty" must be recognized.

2. While for every State there may be freely adopted and from time to time freely changed, a system of export and import prohibition and duties, port dues, traffic rates, inspection methods and fees, and other trade charges, and also laws and regulations embodying the same or relating thereto, any and every such system, law and regulation shall at any given time as to the rest of the world be fixed and single, and shall also at any given time as to the rest of the world be equal and without discrimination, difference, or preference, direct or indirect.

The general rule of Equality and of the Open Door.

3. Every State shall accord to the vessels of other States as favorable treatment as respects tonnage dues, harbor and port charges, facilities for stationing, loading and unloading, and other similar and corresponding charges and facilities as it accords to vessels whose home ports are within its territory.

Equality as to vessels, etc., going farther than the most favored nation principle.

4. Every State shall accord to goods exported therefrom in the vessels of other States, or imported therein in such vessels, as favorable treatment as respects export and import prohibitions and duties, inspection methods and charges, traffic rates, trade charges of every kind, internal taxes, and other similar or corresponding matters, as it accords to similar goods

<sup>1</sup> See Vol. I, p. 33.

exported therefrom or imported thereinto in vessels whose home ports are within its territory.

Equality as to cargoes, etc., going farther than the most favored nation principle.

5. Export and import duties and other trade charges shall be without discrimination or preference, direct or indirect, based upon the place of intermediate or original origin, or of intermediate or ultimate destination of vessel or of goods.

This would affect such duties as the French "Surtax d'entrepôt" and United States differential duties on imports via Canada.

6. No State shall grant direct or indirect bounties on exports.

An anti-dumping clause.

7. Nothing in this Declaration contained shall be deemed to limit or affect the rights or privileges of any Member Power relating to its coasting trade.

The Coasting Trade.

8. No existing national law or regulation and no existing international agreement or arrangement shall be deemed to be affected by any of the provisions of Articles 2, 3, 4 and 5 of this Declaration.

This limits the effect of Articles 2, 3, 4 and 5 to the future.

9. While for the purposes of the Declaration the Dominion of Canada, Newfoundland, the Commonwealth of Australia, the Union of South Africa, and the Dominion of New Zealand are each to be regarded as States under the provisions of Article 1, they may, notwithstanding the provisions of Article 2 make preferential arrangements, *inter se* and/or with Great Britain.

Preference within the British Empire.

10. Notwithstanding the provisions of Article 2, States whose territorial limits are wholly or partly within the continent of Europe may enter into agreement *inter se* in the nature of Customs Unions covering contiguous territory.

Customs Unions in Europe.

11. Notwithstanding the provisions of Article 2, agreements in the nature of Customs Unions, covering territory within the American continents, may be entered into.

Customs Union under the Monroe Doctrine.

12. A State engaged in trade or commerce shall not in respect thereof have or be deemed to have any of the rights, privileges, immunities, duties, or obligations of sovereignty.

The State as a trader.

13. No part of the revenues of any State, whether in kind or in cash, shall be pledged or assigned to any other State, its citizens or subjects.

A prohibition of a limitation on independence through finance. See similar language in the Anglo-Russian Convention of Aug. 31, 1907, regarding Thibet.

14. In each and every State there shall be adequate protection of fair and legitimate international trade, and adequate protection against the use of unfair methods of competition in international trade. To this end the Member Powers agree to bind themselves by the provisions of the International Convention for the Protection of Industrial Property, with Final Protocol, signed at Washington, 2 June, 1911, which is hereby incorporated in and made an integral part of this Declaration.

The United States is a party to this Convention.

15. *The Member Powers agree to bind themselves by the provisions of the convention for the protection of Literary and Artistic Works, signed at Berlin, 13 November, 1908, which is hereby incorporated in and made an integral part of this Declaration.*

This is not suggested as an American proposal but as a proposal likely to be made by Great Britain, the Power chiefly interested. Its adoption would be contrary to the policy of the United States expressed in the Copyright Act of 1909, Vol. 35, Stats. at Large, page 1078, substantially requiring copyrighted books in English to be printed from type set within the United States.

#### NOTE BY THE TECHNICAL ADVISORS REGARDING THE FOREGOING DECLARATION FOR EQUALITY OF TRADE CONDITIONS

Provisions for an International Trade Commission, regarded as a desirable, if not an essential part of a Declaration of this character, are under preparation.

#### DRAFT CONVENTION FOR "EQUALITY OF TRADE CONDITIONS"

(*British Draft*) <sup>1</sup>

(1). Goods the produce or manufacture of any one of the High Contracting Parties imported into the territories of any other, from whatsoever place arriving shall not be subjected to other or

<sup>1</sup> See Vol. 1, p. 33.

higher duties or charges than those paid on the like goods the produce or manufacture of any other foreign country. Nor shall any prohibition or restriction be maintained or imposed on the importation of any goods the produce or manufacture of any of the High Contracting Parties into the territories of another, from whatsoever place arriving, which shall not equally extend to the importation of the like goods, being the produce or manufacture of any other foreign country.

(2). Goods the produce or manufacture of any one of the High Contracting Parties exported into the territories of any other, shall not be subjected to other higher duties or charges than those paid on the like goods exported to any other foreign country. Nor shall any prohibition or restriction be maintained or imposed on the exportation of any goods from the territories of any one of the High Contracting Parties to the territories of any other which shall not equally extend to the exportation of the like goods to any other foreign country.

(3). Goods the produce or manufacture of any one of the High Contracting Parties passing through the territories of any of the other High Contracting Parties shall be free from all transit duties, whether they pass through direct, or whether during transit they are unloaded, warehoused and reloaded.

(4). The régime applied to goods imported into, exported from, or in transit through the territories of any of the High Contracting Parties shall not in any way depend on the flag or ownership of any ships in which they may be carried or on the particular frontier across which they enter or leave these territories, or on whether they are imported or exported by sea or by land.

(5). Every favour, immunity or privilege in regard to the importation, exportation or transit of goods granted by any one of the High Contracting Parties to any foreign country whatever shall simultaneously and unconditionally, without request and without compensation, be extended to all the other High Contracting Parties.

(6). The High Contracting Parties undertake not to discriminate against the trade of any Contracting State by indirect means such as Customs or administrative regulations or procedure, tariff classification or interpretation, or by any other method whatsoever.

(7). The High Contracting Parties are agreed that the principle of equality of trade conditions, which is the foundation of this Convention, is infringed by all forms of unfair competition, such as the use in trade of fake marks, names or descriptions or of marks giving a false indication direct or indirect of the origin or nature of any goods, and they engage themselves to take the necessary legislative and administrative measures to safeguard goods the produce or manufacture of any other Contracting State from such unfair competition within their own territories.

(8). The High Contracting Parties undertake to permit the ships of all Contracting States to carry any description of goods and passengers to and from any ports or places in their territories to which ships of their own nationality have access on conditions no more onerous than those applied in the case of national ships, and to treat them on a footing of equality with national ships in regard to port and harbour facilities and charges of all kinds, including facilities for stationing, loading and unloading, and duties and charges of tonnage, harbour, pilotage, light house, quarantine, and all analogous duties and charges of whatsoever nature, levied in the name or for the profit of Government, public functionaries, private individuals, Corporations, or establishments of any kind.

(9). Nothing in this Convention shall prevent any Contracting State from excluding foreign ships from its coasting trade, but while such exclusion continues the ships of that State shall have no claim under the Convention to participate in the coasting trade of any other Contracting State even if that coasting trade be not reserved for national ships.

This provision shall not affect the right of each of the Self-Governing Dominions of the British Empire and India to reserve the coasting trade of its own territory to British vessels.

(10). Nothing in this Convention shall prevent any of the Contracting States from taking measures to exclude any classes of goods or persons, or measures to counteract "dumping" or direct or indirect bounties on goods so long as such measures are impartially applied.

(11). Nothing in this Convention is to be construed as preventing the establishment of a special Customs régime applicable to trade between different portions of the territories and Dominions of one of the High Contracting Parties.

(12). Any question arising as to the carrying out by any of the High Contracting Parties of its obligations under this Convention shall unless settled amicably be referred on the demand of any Contracting Party for consideration in manner set out in the annex.

(13). Any State which is in default through failing to give effect to the decision of the Tribunal referred to in the Annex or in other manner specified therein shall not while such default continues be entitled to claim any of the privileges conferred by this Convention or the Convention establishing Freedom of Transit on its nationals, goods or ships.

The same provision shall apply to any state which has not yet fulfilled any obligations imposed on it under the Treaty of Peace to make reparation for injuries caused by the War, provided that in such case the period of suspension of privileges shall not except by resolution of the Council of the League of Nations extend beyond five years.

## TRANSITORY ARTICLE

(14). The High Contracting Parties agree not to make any claim under this Convention on account of the temporary measures taken by, or privileges accorded to, any Contracting State, during the year immediately following the ratification of the Treaty of Peace, for the purpose of ensuring speedy recovery from the effects of the War. This period may, by Resolution of the Council of the League of Nations, be extended (to not more than 2 years).

NOTES <sup>1</sup> ON (FOREGOING) DRAFT CONVENTION FOR "EQUALITY OF TRADE CONDITIONS"

The general purpose of the attached draft is similar to that of the proposals already submitted to the American plenipotentiaries. But there are some important conditions:

1. The draft attached speaks in terms of the "High Contracting Parties" and seems to relate only to trade between sovereign states and not to trade with colonies and protectorates.

2. There is a short provision of Freedom of Transit, which is supplementary to a more elaborate draft of a separate Convention dealing with Freedom of Transit.

3. Equality of treatment is stipulated with respect to tariffs and import and export restrictions. National treatment is stipulated for vessels, an exception being made for the coasting trade and a special reservation being made in behalf of the principle that the British dominions may confine their coasting trade to British vessels.

4. There is a general provision against the use of unfair forms of competition, but it is not proposed to take over any existing Conventions relating to this subject.

5. Export bounties are not prohibited, but each of the contracting parties is left free to protect itself against direct and indirect bounties including dumping.

6. Differential tariff treatment of trade between dominions and colonies and their home countries is legalized.

7. A most-favored-nation clause, in its European form, is included. This creates unnecessary difficulties and is objectionable.

8. There is no provision for a permanent commercial commission, but it has provided for special commissions of inquiry, of three members each, to which complaints shall be referred. The findings of the commission, it is suggested, may be communicated to each of the states concerned for approval or disapproval, and

<sup>1</sup> By Professor A. A. Young.

in case of disapproval the matter may be taken on appeal to an international court.

9. The only sanction specifically provided is that any state which is in default may not claim the privilege of equality of trade conditions or of freedom of transit.

10. There is no provision for customs union, although I am informed that those who drafted this proposed Convention have considered the problem and are not adverse to permitting customs unions in specified areas, composed of states with contiguous territory.

## **The Smuts Plan**

### **THE LEAGUE OF NATIONS**

#### **A PRACTICAL SUGGESTION**

**BY**

**LIEUT.-GEN. THE RT. HON. J. C. SMUTS, P. C.**

#### **FOREWORD**

Although I have had to give the subject of the league of nations a good deal of consideration, this short sketch of it has been hastily written at the last moment, and amid other pressing duties, in view of the early meeting of the peace conference. My object in writing it has been threefold.

In the first place, I wish to help in the formation of public opinion on what will undoubtedly be the most important and far-reaching of all the matters which the conference will have to consider.

In the second place, the discussion of the league of nations has proceeded far too much on general or academic lines; and this, combined with the inherent difficulties of the subject, has helped to create the impression which is unhappily prevalent, that the league is not really a matter of practical politics. To combat this impression I have drawn in rough outline what appears to me a practical, workable scheme.

In the third place, my reflections have convinced me that the ordinary conception of the league of nations is not a fruitful one nor is it the right one, and that a radical transformation of it is necessary. If the league is ever to be a success it will have to occupy a much greater position and perform many other functions besides those ordinarily assigned to it. Peace and war are resultants of many complex forces, and those forces will have to be gripped at an earlier stage of their growth if peace is to be effectively maintained. To enable it to do so, the league will have to occupy the great position which has been rendered vacant by the destruction of so many of the old European empires and the passing away of the old European order. And the league should be put into the very forefront of the programme of the peace conference, and be made the point of departure for the solution of many of the grave problems with which it will be confronted.

To my mind the world is ripe for the greatest step forward ever made in the government of man. And I hope this brief account of the league will assist the public to realize how great an advance is

possible to-day as a direct result of the immeasurable sacrifices of this war.

If that advance is not made, this war will, from the most essential point of view, have been fought in vain. And greater calamities will follow.

J. C. S.

16th December, 1918

#### THE POSITION AND POWERS OF THE LEAGUE

During this war a great deal of attention has been given to the idea of a league of nations as a means of preventing future wars. The discussion of the subject has proceeded almost entirely from that one point of view, and as most people are rather skeptical of the possibility of preventing wars altogether, the league has only too often been looked upon as Utopian, as an impractical ideal not likely to be realized while human nature remains what it is. Quite recently the practice of the Allies in controlling and rationing food, shipping, coal, munitions, etc., for common purposes through the machinery of Inter-Allied Councils has led to the idea that in future a league of nations might be similarly used for the common economic needs of the nations belonging to the league—at any rate for the control of articles of food or raw materials or transport in respect of which there will be a shortage. In other words the economic functions of the league would not be confined to the prevention of wars or the punishment of an unauthorized belligerent, but would be extended to the domain of ordinary peaceful intercourse between the members of the league. And it was especially argued that during the period of economic reconstruction following the war, when there would be a shortage of several essential articles, the league would be the proper authority for rationing states in respect of such articles. That, generally speaking, was the utmost extent to which the idea of the league of nations was thought to be applicable.

An attempt will be made in this sketch to give an essential extension to the functions of the league; indeed to look upon the league from a very different point of view, to view it not only as a possible means for preventing future wars, but much more as a great organ of the ordinary peaceful life of civilization, as the foundation of the new international system which will be erected on the ruins of this war, and as the starting point from which the peace arrangements of the forthcoming conference should be made. Such an orientation of the idea seems to me necessary if the league is to become a permanent part of our international machinery. It is

not sufficient for the league merely to be a sort of *deus ex machina*, called in in very grave emergencies when the spectre of war appears; if it is to last, it must be much more. It must become part and parcel of the common international life of states, it must be an ever visible, living working organ of the polity of civilization. It must function so strongly in the ordinary peaceful intercourse of states that it becomes irresistible in their disputes; its peace activity must be the foundation and guarantee of its war power. How would it be possible to build the league so closely into the fabric of our international system?

I would put the position broadly as follows: The process of civilization has always been towards the league of nations. The grouping or fusion of tribes into a national state is a case in point. But the political movement has often gone beyond that. The national state has too often been the exception. Nations in their march to power tend to pass the purely national bounds; hence arise the empires which embrace various nations, sometimes related in blood and institutions, sometimes again different in race and hostile in temperament. In a rudimentary way all such composite empires of the past were leagues of nations, keeping the peace among the constituent nations, but unfortunately doing so not on the basis of freedom but of repression. Usually one dominant nation in the group overcame, coerced, and kept the rest under. The principle of nationality became overstrained and over-developed, and nourished itself by exploiting other weaker nationalities. Nationality overgrown became imperialism, and the empire led a troubled existence on the ruin of the freedom of its constituent nations. That was the evil of the system; but, with however much friction and oppression, the peace was usually kept among the nations falling within the empire. These empires have all broken down, and to-day the British Commonwealth of Nations remains the only embryo league of nations because it is based on the true principles of national freedom and political decentralization.

Such was the political system of modern Europe right up to the early decades of the twentieth century. The nations of Continental Europe were mostly grouped into certain empires which were small leagues of nations, keeping the peace among their constituents and incidentally robbing them of their liberties. Leaving aside France and Italy as national states, Russia, Austria, and Turkey were composite empires, embracing the most heterogeneous races and peoples, while the German empire was predominantly national with certain minor accretions from other races. The war has wrought a fundamental change and re-cast the political map of Europe. Three of these empires have already disappeared, while Germany, even if she survives the storms of the coming days, will certainly lose her subject races of non-German blood.

The attempt to form empires or leagues of nations on the basis of inequality and the bondage and oppression of the smaller national units has failed, and the work has to be done all over again on a new basis and an enormous scale. The vast elemental forces liberated by this war, even more than the war itself, have been responsible for this great change. In the place of the great empires we find the map of Europe now dotted with small nations, embryo states, derelict territories. Europe has been reduced to its original atoms. For the moment its political structure, the costly result of so many centuries of effort, has disappeared. But that state of affairs must be looked upon as temporary. The creative process in the political movement of humanity cannot be paralyzed; the materials lie ready for a new reconstructive task, to which, let us hope, the courage and genius of Western civilization will prove equal. Adapting the great lines of Browning, one may describe Europe as lapsing to

That sad, obscure, anarchic state  
Where God unmakes but to re-make the world  
He else made first in vain, which must not be.

The question is, what new political form shall be given to these elements of our European civilization? On the answer to that question depends the future of Europe and of the world. My broad contention is that the smaller, embryonic, unsuccessful leagues of nations have been swept away, not to leave an empty house for national individualism or anarchy, but for a larger and better league of nations. Europe is being liquidated, and the league of nations must be the heir to this great estate. The peoples left behind by the decomposition of Russia, Austria, and Turkey are mostly untrained politically; many of them are either incapable of or deficient in power of self-government; they are mostly destitute and will require much nursing towards economic and political independence. If there is going to be a scramble among the victors for this loot, the future of Europe must indeed be despaired of. The application of the spoils system at this most solemn juncture in the history of the world, a repartition of Europe at a moment when Europe is bleeding at every pore as a result of partitions less than half a century old, would indeed be incorrigible madness on the part of rulers and enough to drive the torn and broken peoples of the world to that despair of the state which is the motive power behind Russian Bolshevism. Surely the only statesmanlike course is to make the league of nations the reversionary in the broadest sense of these empires. In this *débâcle* of the old Europe the league of nations is no longer an outsider or stranger, but the natural master of the house. It becomes naturally and obviously the solvent for a problem which no other means will solve.

As a programme for the forthcoming peace conference I would therefore begin by making two recommendations:

(1) That in the vast multiplicity of territorial, economic, and other problems with which the conference will find itself confronted it should look upon the setting up of a league of nations as its primary and basic task, and as supplying the necessary organ by means of which most of those problems can find their only stable solution. Indeed, the conference should regard itself as the first or preliminary meeting of the league, intended to work out its organization, functions, and programme.

(2) That, so far at any rate as the peoples and territories formerly belonging to Russia, Austria-Hungary, and Turkey are concerned, the league of nations should be considered as the reversionary in the most general sense and as clothed with the right of ultimate disposal in accordance with certain fundamental principles. Reversion to the league of nations should be substituted for any policy of national annexation.

What are these fundamental principles which must guide the league in its territorial policy as the general heir or successor of the defunct empires? They have been summed up for the last two years in the general formula of "No annexations, and the self-determination of nations." There is no doubt that behind them is a profound feeling throughout the masses of the European peoples, and any violation of them will meet with stern retribution. It is for the statesmen of Europe to give political form and expression to this deep feeling. I know that these statesmen will be confronted in their colossal task with conflicting considerations. On the one hand they will be greatly tempted to use their unique opportunity for the aggrandizement of their own peoples and countries. Have they not fought and suffered on an unparalleled scale? And must they quixotically throw away the fruits of victory now that the great opportunity has come? They are now in the position to mould the world closer to their heart's desire; why miss the chance which may never come again in history? That is the voice of the Tempter pointing to a fair prospect. On the other hand that prospect lies beyond a very deep abyss, and only the most callous and foolhardy political gambler will be prepared for the jump. The horrors and sufferings of this war have produced a temper in the peoples which must be reckoned with as the fundamental fact of the political situation in Europe to-day. The feeling of grief, bitterness, disillusion, despair, goes very deep; even in the victorious Entente countries that feeling goes much deeper than the more superficial feeling of joy at the final result. How could it be otherwise? The prolonged horror through which all have passed is a far more real, abiding, and fundamental experience than

the momentary joy at the end. What has reconciled our Entente peoples to the burdens they were enduring? It was their consciousness of right and their vague hope of a better, fairer world to come which would justify their sacrifices. But if that prospect is rudely blotted out; if the peace really comes, not in the settlement of universal human principles and the dawning of a better order, but in a return of the old policy of grab and greed and partitions, then the bitterness of the disillusion would indeed be complete. Our victory would then become bitterer than Dead Sea fruit. The German battle-front collapsed all the more readily before Foch because the scandalous Brest-Litovsk Treaty had thoroughly disillusioned and demoralized the German home-front. Let Entente statesmen beware of similarly wounding the spirit of their peoples by a peace which gives the final death-blow to their hopes of a better world. For the common people in all lands this war has, however vaguely and dimly, been a war of ideals, a spiritual war. Let not that faith be shattered at the peace. Let the peace be founded in human ideals, in principles of freedom and equality, and in institutions which will for the future guarantee those principles against wanton assault. Only such a peace would be statesmanlike and assure lasting victory. Any other might open the fountains of the deep and overwhelm victor and vanquished alike in the coming flood.

So far I have referred only to territories and peoples split off from Russia, Austria, and Turkey. The case of Germany stands on a different footing which is clearly distinguishable in principle. In the first place, if Alsace-Lorraine is annexed to France, that would be a case of disannexation, as it has been put; that is to say, it is a case of restoring to France what was violently and wrongfully taken from her in 1871, against the protests not only of France, but of the population of Alsace-Lorraine speaking through their elected representatives. It is a *restitutio in integrum* on moral and legal grounds, and only in a secondary or consequential sense a territorial annexation. Its restitution to France would therefore satisfy, instead of violating, the moral sense of the world.

In the second place, the German colonies in the Pacific and Africa are inhabited by barbarians, who not only cannot possibly govern themselves, but to whom it would be impracticable to apply any idea of political self-determination in the European sense. They might be consulted as to whether they want their German masters back, but the result would be so much a foregone conclusion that the consultation would be quite superfluous. The disposal of these colonies should be decided on the principles which President Wilson has laid down in the fifth of his celebrated fourteen points. It is admitted that, like Alsace-Lorraine, this is a special case falling outside the scope of the principles applicable to the European and Asiatic communities we are here discussing. For these reasons I

restrict the following general recommendation to the peoples and territories formerly belonging to Russia, Austria, and Turkey:

(3) These principles are: firstly, that there shall be no annexation of any of these territories to any of the victorious Powers, and secondly, that in the future government of these territories and peoples the rule of self-determination, or the consent of the governed to their form of government, shall be fairly and reasonably applied.

When these territories and peoples come to be considered individually it will be found that their conditions for self-determination, autonomy, or self-government vary very considerably. Take, in the first place, the cases of Finland, Poland, Czecho-Slovakia and Jugoslavia as instances. They will probably be found sufficiently capable of statehood to be recognized as independent states of the usual type from the beginning. Take again, in the second place, the Transcaucasian or Transcaspian provinces of Russia. It will probably be found that they are as yet deficient in the qualities of statehood and that, whereas they are perhaps capable of internal autonomy, they will in one degree or another require the guiding hand of some external authority to steady their administration. In all these cases the peoples concerned are perhaps sufficiently homogeneous and developed to govern themselves subject to some degree or other of external assistance and control. This will probably be found to be the case also of Upper and Lower Mesopotamia, Lebanon, and Syria. Although I mention these ex-Turkish territories together as capable of autonomy but not of complete statehood, it must be clearly understood that there is a great deal of variation among them in this respect. At the one end a territory may be found barely capable of autonomy; at the other end the approach to complete statehood is very close. Mesopotamia would probably be a case of the former kind; Syria of the latter.

In the third place, there will be found cases where, owing chiefly to the heterogeneous character of the population and their incapacity for administrative co-operation, autonomy in any real sense would be out of the question, and the administration would have to be undertaken to a very large extent by some external authority. This would be the case, at any rate for some time to come, in Palestine, where the administrative co-operation of the Jewish minority and Arab majority would not be forthcoming; and in the Armenian Vilayets, where Armenian, Turkish, and Kurdish populations co-exist in historic enmity, and even the policing of the country would have to be undertaken by some external authority.

In all the above and similar cases where the assistance and control of an external authority are necessary to supplement the local autonomy of the territories in question, that external authority

should be the league of nations in accordance with the second proposition above. No state should make use of the helpless or weak condition of any of these territories in order to exploit them for its own purposes or acquire rights over them in the manner which has hitherto been a fruitful source of trouble and war. This may be summed up in the following recommendation:

(4) That any authority, control, or administration which may be necessary in respect of these territories and peoples, other than their own self-determined autonomy, shall be the exclusive function of and shall be vested in the league of nations and exercised by or on behalf of it.

How is the league to provide this authority or administration? It will itself be a conference consisting of representatives of states. Any authority or administration directly exercised by it will, therefore, be of a joint international character.

Now, joint international administration, in so far as it has been applied to territories or peoples, has been found wanting wherever it has been tried. It has worked fairly well in international business arrangements of a limited scope, such as postal arrangements, the Danube Commission, and similar cases. But in those few cases where it has been tried in respect of peoples or territories it has not been a success. The administering personnel taken from different nations do not work smoothly or loyally together; the inhabitants of the territory administered are either confused, or, if they are sufficiently developed, make use of these differences by playing one set of nationals off against the other. In any case the result is paralysis tempered by intrigue. It may be safely asserted that if the league of nations attempts too soon to administer any people or territory directly through an international personnel, it will run a very serious risk of discrediting itself. It will have to gain much more experience in its novel functions and will have to train big staffs to look at things from a large, human instead of a national point of view; it will have to train its officials taken from various nationalities to work loyally together irrespective of their national interests; it will have to do these and many other things before it could successfully undertake a task requiring fundamental unity of aims, methods, and spirit, such as the administration of an undeveloped or partly developed people. The league may make experiments in some more or less favorable cases in order to gain experience, but further I would not advise it to go at the beginning. The only successful administration of undeveloped or subject peoples has been carried on by states with long experience for the purpose, and staffs whose training and singleness of mind fit them for so difficult and special a task. If serious mistakes are to be prevented and the league is to avoid discrediting itself before public opinion,

it will have to begin its novel administrative task by making use of the administrative organization of individual states for the purpose. That is to say, where an autonomous people or territory requires a measure of administrative assistance, advice, or control, the league should as a rule meet the case not by the direct appointment of international officials but by nominating a particular state to act for and on behalf of it in the matter, so that, subject to the supervision and ultimate control of the league, the appointment of the necessary officials and the carrying on of the necessary administration should be done by this mandatory state.

Here, too, the principle of self-determination should be applied as far as possible. No mandatory state ought to be appointed by the league in respect of a people or territory without the consultation of the latter in such ways as the league may consider fair and reasonable. It will be for such people or territory not only to determine generally on the form of its internal self-government, but also on the state from which it will receive such external assistance as may be necessary in its government. The Republic of Georgia, for instance, will as an autonomous state not only settle on its own form of government, but will also indicate to the league from what outside sources it wants additional assistance, and the league will see in how far it is possible to comply with its wishes. In no case ought it to thrust on Georgia or any other territory the outside help of any mandatory unwelcome to it. It is possible that Georgia may after a trial of some mandatory become dissatisfied with the latter for reasons which the league may consider good and sufficient, and in such a case it may consider the appointment of some more suitable mandatory if one could be found.

In practice it will probably happen that in most cases the mandatory state in respect of any people or territory will be chosen by the latter on historic grounds. In the case of most peoples not yet risen to complete statehood there is some power which has in the past taken an active interest in their affairs and development. Where such interest has been not merely of a selfish character, old ties of acquaintance or friendship will largely determine the new connection under the old régime of the league. Where, on the other hand, the Power has rendered itself obnoxious or odious by its behavior in the past it could scarcely expect to be nominated as the mandatory state. In such cases, too, the only safe and sound principle for the league to hold on to is that of the self-determination of the autonomous state.

There will however be cases, such as Palestine and Armenia, where for reasons above referred to an autonomous régime cannot be adopted at the start, and where the consultation of the country on the question of its mandatory state is therefore not formally possible. Even in such cases the league will, as far as possible,

follow the trend of popular wishes, and not attempt to foist on the population an unwelcome mandatory.

I sum up this discussion in the following recommendation:

(5) That it shall be lawful for the league of nations to delegate its authority, control, or administration in respect of any people or territory to some other state whom it may appoint as its agent or mandatory, but that wherever possible the agent or mandatory so appointed shall be nominated or approved by the autonomous people or territory.

The delegation of certain powers to the mandatory state must not, however, be looked upon as in any way impairing the ultimate authority and control of the league, or as conferring on the mandatory general powers of interference over the affairs of the territory affected. For this purpose it is important that in each such case of mandate the league should issue a special act or charter, clearly setting forth the policy which the mandatory will have to follow in that territory. This policy must necessarily vary from case to case, according to the development, administrative or police capacity, and homogeneous character of the people concerned. The mandatory state should look upon its position as a great trust and honor, not as an office of profit or a position of private advantage for it or its nationals. And in case of any flagrant and prolonged abuse of this trust the population concerned should be able to appeal for redress to the league, who should in a proper case assert its authority to the full, even to the extent of removing the mandate, and entrusting it to some other state, if necessary. No pegging-out of claims should be allowed under the guise of the mandate. And by keeping in touch with the affairs of the territories concerned through proper liaison, the league should satisfy itself that its mandates are being carried out fairly and properly. It might also call for periodic reports from the mandatory state. I therefore make the following recommendation:

(6) That the degree of authority, control, or administration exercised by the mandatory state shall in each case be laid down by the league in a special act or charter, which shall reserve to it complete power to ultimate control and supervision, as well as the right of appeal to it from the territory or people affected against any gross breach of the mandate by the mandatory state.

It must be part of this suggested scheme of mandatory control that the mandatory shall in no case adopt an economic or military policy which will lead to its special national advantage. In fact for all territories which are not completely independent states the policy of the open door, or equal economic opportunity for all, must be laid down. In this way a fruitful source of rivalry and friction

between the powers will be removed. Provision must also be made that no military forces shall be formed or trained in such territories beyond what the league should lay down as necessary for purposes of internal police. This will prevent the mandatory state from trying to augment its military resources from the manhood of the territory affected. And in respect of all such territories the league must be responsible, directly or through the mandatory, for the maintenance of external peace. I sum up as follows:

(7) That the mandatory state shall in each case be bound to maintain the policy of the open door, or equal economic opportunity for all, and shall form no military forces beyond the standard laid down by the league for purposes of internal police.

In fact, I would be prepared to go further, and to submit for consideration that this non-military policy should be applied to all independent states arising from the break-up of the old European system. If we are deliberately deciding in favor of a peaceful régime for the future, it seems to me a fair proposition that all newly-arising states shall conform to the new order of ideas, and shall agree, as a condition of their recognition and admission into the league of nations, to raise no military forces and collect no armaments beyond what the league may lay down as reasonable in their case. The result will be that militarism will be scotched *ab initio* in the case of all new states, and a vast impetus will be given to the peace movement all over the world. In such case it will also be much easier for the older states and Powers to adopt a policy of disarmament and reduction of military forces, and the new peaceful policy will become identified with the very constitution of the new order of things. Practically all the independent states arising from the decomposition of Russia, Austria, Turkey, and, perhaps, even Germany, will then have to adopt the new policy and thereby help to entrench peace in the new political system of Europe. It is an idea which seems to me well worthy of our consideration, as more likely to preserve peace than more ambitious measures adopted to keep well-armed and militarily equipped states from coming to blows. I therefore recommend:

(8) That no new state arising from the old empires be recognized or admitted into the league unless on condition that its military forces and armaments shall conform to a standard laid down by the league in respect of it from time to time.

I have said that the acts or charters by which mandataries will be appointed should be given by the league of nations. It must, however, be borne in mind that all the original arrangements of this kind may have to be made by the peace conference before the

league of nations is formally constituted. It will, therefore, in all probability be necessary for the conference itself to issue these first acts, doing so in its capacity as the preliminary or preparatory session of the league of nations. And, in general, it may be found necessary for the conference, at the first session of the league, to lay down the general principles or lines on which the peace settlements are to be affected, and to leave the working out of the details, not to another peace conference, but to the league of nations. In this way the continuity between the conference and the league will be duly marked.

So far, I have been discussing the cases of territories which will probably require some degree of internal administrative assistance or control, which it would be difficult for the league to supply at the beginning, and which would have to be made good from the resources of the existing states or powers. There remains another more general problem to consider. Many of the states which will arise from the break-up of the empires will be able to look after their own affairs as new independent states, and will not require any administrative assistance or control. Any questions arising out of their origin and existence will be dealt with by the league itself without delegation to individual Powers. A gigantic task will thereby be imposed on the league as the successor of the empires. The animosities and rivalries among the independent Balkan states in the past, which kept that pot boiling, and occasionally boiling over, will serve to remind us that there is the risk of a similar state of affairs arising on a much larger scale in the new Europe, covered as it will be with small independent states. In the past the empires kept the peace among their rival nationalities; the league will have to keep the peace among the new states formed from these nationalities. That will impose a task of constant and vigilant supervision on it. The nationalities of Europe are in many cases animated by historic hostility to one another; the tendency will be for them to fly at one another's throats on very slight provocation, and we have had sad experience of the danger of a general conflagration which arises from these local outbursts. It is important to bear in mind that but for the active control of the league, the danger of future wars will be actually greater, because of the multitudinous discordant states now arisen or arising. In this and many other respects the league will have a very real rôle to play as the successor to the empires. It will have to deal in advance with all the numerous sources of trouble and friction which will continue to exist among the small independent nations. Without unnecessary or undue interference in their internal affairs, it will have to watch over their relations *inter se*, and any internal conditions or situations which will directly affect those relations. I therefore make the following recommendation:

(9) That, as the successor to the empires, the league of nations will directly and without power of delegation watch over the relations *inter se* of the new independent states arising from the break-up of those empires, and will regard as a very special task the duty of conciliating and composing differences between them with a view to the maintenance of good order and general peace.

It is not improbable that this supervision of the new European states will impose the heaviest task of all on the league of nations, at any rate for this generation. But it will have to be performed efficiently, as there is little doubt that the old historic feuds surviving among the European nationalities may easily become a fruitful source of future danger. If the league is ever to be a reality, it will have to succeed in this great task. And it will succeed, if it takes itself seriously and looks upon itself, not as a merely nominal, but as a real live active heir to the former empires, and is determined to discharge the duties of the great beneficent position which has devolved upon it as supreme guardian of the peace interests of humanity.

I have now made a general sketch of the functions which will devolve upon the league of nations in its capacity as the successor to the defunct empires, and of the general lines on which it may have to proceed in dealing with the great territorial questions which must arise from the break-up of those empires. These functions are quite apart from the more difficult question of the maintenance of future world peace, and seem to me to flow quite naturally and inevitably out of the situation of Europe at the end of the war. An organization like the league of nations is imperatively needed to deal with that situation. Europe requires a liquidator or trustee of the bankrupt estate, and only a body like the league could adequately perform that gigantic task.

I am very conscious of the grave defects of the programme for a league of nations here sketched. But my object is not to produce a complete scheme. That would be a vain and impossible task. My object is to sketch a scheme which will be workable in practice and which, while preventing a scramble among the powers for loot, will not be so far in advance of the existing political practice of Europe as to make cautious statesmen reject it at once. My object further is to base that scheme on the recognition of the principles which I consider vital. A modest beginning on the right basis and on the right principles will enable the future to give full development of form and substance to the whole system. The vital principles are: the principle of nationality involving the ideas of political freedom and equality; the principle of autonomy, which is the principle of nationality extended to peoples not yet capable of complete independent statehood; the principle of political decentrali-

zation, which will prevent the powerful nationality from swallowing the weak autonomy as has so often happened in the now defunct European empires; and finally an institution like the league of nations, which will give stability to that decentralization and thereby guarantee the weak against the strong. The only compromise I make, and make partly to conciliate the great Powers and partly in view of the administrative inexperience of the league at the beginning, is the concession that, subject to the authority and control of the league, which I mean to be real and effective, suitable Powers may be appointed to act as mandataries of the league in the more backward peoples and areas. That compromise will, I hope, prove to be only a temporary expedient.

Any one who is conversant with the political conditions of the areas affected by the war will be able to form some approximate picture of how this system of a league of nations will work in practice. The European empires will all have disappeared; Germany will have become a truly federal democratic state from which the non-German subjective peoples will have been disannexed and reunited to their parent peoples. New sovereign states, such as Finland, Poland, Bohemia, and Greater Serbia, will have arisen under the ægis of the league. A large number of autonomous states will have arisen, no longer oppressed by their neighbors, but befriended, advised, and assisted in varying degree by individual great states. A smaller number of areas will be directly administered by some or other of the Powers. Over all would be the league as a real live controlling authority, seeing that its mandates or charters are fairly carried out, that there is no oppression of small racial minorities in the larger autonomies or administrations, and that the guarantee of the open economic door and of a peaceful policy in all less developed areas gives no reason for bitterness or rivalry among the great states. I believe such a system is workable, and that in working it will remove the most fruitful sources of war and thus in itself prove a guarantee of world-peace, apart from special measures taken to that end.

It was stated above that the British Empire was the nearest approach to the league of nations. It would be interesting to compare the functions here ascribed to the league to the working arrangements of the British Empire. In the first place, in both cases the ultimate authority of common action is a conference of the principal constituent states. In the British Empire the common policy is laid down at conferences of the Imperial Cabinet, representing the United Kingdom, the Dominions and India, while executive action is taken by the individual government of the Empire. In the second place, the minor constituents of the Empire, consisting of crown colonies, protectorates, and territories, are not represented directly at the Imperial Cabinet, but are administered or looked

after by the individual principal constituent states referred to, just as it is here proposed that the Powers should under the league look after the autonomous undeveloped territories. In the third place, the economic policy of the open door and the non-military police policy here advocated for these autonomous or undeveloped territories, are in vogue in the analogous British crown colonies, protectorates, and territories. It is therefore clear that the broad features of the two systems would closely resemble each other. And it is suggested that where the British Empire has been so eminently successful as a political system, the league, working on somewhat similar lines, could not fail to achieve a reasonable measure of success. The principal difference between the two would be that, whereas peace in the British Empire is ensured by common allegiance, in the league it would have to be elaborately provided for by special arrangements.

#### THE CONSTITUTION OF THE LEAGUE

So far I have not yet referred to any functions and powers of the league of nations in respect of the old established states or Powers. I have been concerned with it solely from the point of view of the defunct European empires. I have advocated the view that the league should occupy the vacant place left by the disappearance of those empires. The greatest opportunity in history would be met by the greatest step forward in the government of man. On the débris of the old dead world would be built at once the enduring temple of future world government. The new creative peace world would come to us, not as a fleeting visitant from some other clime, but out of the very ruins of our own dead past. In that way the most exalted position and the most responsible and beneficent functions would be entrusted to the new organ of world government. Its position and its powers would be assured. And there would be a reasonable chance that it would carry out its almost superhuman task of maintaining world peace. The only question is whether it would work, whether it would be successful in its functioning. And that would depend largely on the constitution given to it. I therefore pass on to consider the constitution of the league.

Now in discussing a problem like the constitution of the league of nations we must be careful not to set too much store on past precedents. Our problem is gigantic and entirely novel; its solution will depend, not so much on following precedents never meant for such a novel and complex situation, but on boldly facing that situation and, if need be, creating a new precedent to meet it. The grand success of the British Empire depends not on its having followed any constitutional precedent of the past, but on having met a new situation in history with a new creation in law; and as a mat-

ter of fact the new constitutional system grew empirically and organically out of the practical necessities of the colonial situation. So it will have to be here. And above all let us avoid cut-and-dried schemes meant as a complete, definitive, and final solution of our problem. Let us remember that we are only asked to make a beginning, so long as that beginning is in the right direction; that great works are not made but grow; and that our constitution should avoid all rigidity, should be elastic and capable of growth, expansion, and adaptation to the needs which the new organ of government will have to meet in the process of the years. Above all it must be practical and be so devised as to be a real working organ of government.

And from this point of view let us proceed at once to discard the idea of a super-state which is in the minds of some people. No new super-sovereign is wanted in the new world now arising. States will here be controlled not by compulsion from above but by consent from below. Government by consent of the governed is our formula. The old empires were ruined by their theories of sovereignty, which meant centralization, absorption, and denationalization of the weaker national constituents of the population. The great league of nations, like the lesser league already existing in the British Empire, will have to avoid the old legal concepts of imperialism in the new world of freedom. We shall likewise have to abandon all ideas of federation or confederation as inapplicable to the case, and not likely to be agreed to by any of the existing sovereign states. We are inevitably driven to the conference system now in vogue in the constitutional practice of the British Empire, although it will necessarily have to be applied with very considerable modifications to the complex world conditions obtaining under the league.

But while we avoid the super-sovereign at the one end, we must be equally careful to avoid the mere ineffective debating society at the other end. The new situation does not call for a new talking shop. We want an instrument of government which, however much talk is put into it at the one end, will grind out decisions at the other end. We want a league which will be real, practical, effective as a system of world-government. The scheme which I have seen, and which brings representatives of all the independent states of the world together in one conference to discuss the most thorny of all subjects and requires that their decisions to be binding must be unanimous, is from that point of view not worth discussion. It means that there never will be any decision issuing from the league; that nobody will take the league seriously; that it will not even serve as camouflage; that it will soon be dead and buried, leaving the world worse than it found it.

In endeavoring to find a workable constitution for the league

let us, even at the risk of appearing pedantic, begin at the beginning. Government, like thought or mathematics or physical science, rests on certain fundamental, unalterable forms, categories, or laws, which any successful scheme must conform to. The division of government into legislation, administration, and justice is fundamental in this sense, and should be adhered to by us in devising this new system of world government. And we proceed to consider what special forms our legislature, administration, and judicature will take under a system where the constituents will not be citizens but states.

We are, in the first place, called upon to decide what we mean by equality in the new system. Will the United States of America count for as much and the same as Guatemala? The question is crucial.

The league will include a few great Powers, a larger number of medium or intermediate states, and a very large number of small states. If in the councils of the league they are all to count and vote as of equal value, the few Powers may be at the mercy of the great majority of small states. It is quite certain that no Great Power will willingly run such a risk by entering a league in which all have equal voting power. Will Great Britain be prepared to put her fleet at the mercy of a majority vote of all the other states who are members of the league? The question need only be put to see what the answer must necessarily be. The league is therefore in this dilemma, that if its votes have to be unanimous, the league will be unworkable; and if they are decided by a majority, the Great Powers will not enter it; and yet if they keep out of it they wreck the whole scheme. Clearly neither unanimity nor mere majority will do. Neither will it do to assess and assign different values to the states who are members of the league. If Guatemala counts as one, what value shall be given to the United States of America? Will it be 5, or 10, or 100, or 1,000? Will the valuation proceed on the basis of wealth or population or territory? And if either of the last two bases is adopted, what about the Powers who have millions of barbarian subjects, or millions of square miles of desert territory? On the basis of population China may be the most influential member of the league; on the basis of wealth the United States of America will have first place; while on the basis of territory the British Empire will easily rank first. But clearly there is no good reason to be assigned in favor of any basis of valuation, and the principle of values will not help us at all. We therefore proceed to look for some other solution of our difficulty.

The general outlines of the scheme to be adopted seem fairly clear. There will have to be a general conference or congress of all the constituent states, which will partake of the character of a Parliament, in which public debates of general international interest will take place. In this body all the states may be considered equal

and should vote as states, whatever the number of representatives a state may, subject to the rules of the conference, have delegated to that body. Besides the conference there will have to be a small body called the council of the league, which will be the executive and carry on the ordinary administration of the league.

The functions of the general conference will have to be carefully chosen so as to make it a useful body and to prevent it from being looked upon, on the one hand as a futile debating society, and on the other as a dangerous body whose debates are likely to inflame the slumbering passions of the national populations. I would suggest that the initiative for the work of the conference should be left as much as possible to the council. That work will consist mostly of the following: (a) General resolutions submitted by the council for discussion in the conference which, when passed, will have the effect of recommendations to the national Parliaments, and have no binding legislative character: (b) general measures or codes of an international character dealing with questions like disarmament or world peace or rules of international law which have been adopted by the council and which they desire to have publicly discussed in the conference before being passed on for the approval of the national Governments; (c) discussion of the reports of the various international administrative committees or commissions working under the council to be referred to later. It will be noticed that in all cases the resolutions of the conference will only have the force of recommendations. Even so, however, the conference may be a most useful body and may become a most powerful and influential factor in moulding international public opinion. The league will never be a great success until there is formed as its main support a powerful international public opinion. With that public opinion behind it, it may go confidently forward with its great tasks; deprived of that support, all its power for good will be neutralized and nullified. It is therefore essential that it should create a favorable international atmosphere for its work, that an organized public opinion should be formed in favor of the league and its activities. The enlightened public all over the world will have to be taught to think internationally, to look at public affairs, not merely from the sectional national point of view, but also from a broad human international point of view. And the debates periodically taking place in the general conference might well become of immense importance in this great task of forming and educating a strong body of international opinion behind and in support of the league and its work. For the first time in history people will hear great subjects discussed on an international platform, and the narrow national influence of the local Parliament and still more the local press will gradually be neutralized, and a broader opinion and spirit will be fostered.

The representation of the states on such a conference should be viewed largely from this point of view of favorably influencing and educating public opinion in all constituent countries. The Powers should not grudge strong representation to the smaller states, as in any case the resolutions will only be in the nature of recommendations to the national Parliaments. Both the Governments and Parliaments of the states might send delegates, and perhaps even parties could be represented by the selection of members on the principle of proportional representation.

The resolutions to be brought up for discussion in the conference should be carefully selected by the council on the principle of avoiding those contentious issues on which national passions are easily inflamed. If wisely guided, both in the choice of subjects for discussion, and by the participation of great international statesmen in the debates, I see no reason why this conference may not become a really useful organ of the league, especially in its educative influence on public opinion.

The real work of the league will, however, be done by its council, whose constitution and powers ought therefore to be very carefully considered. This council would have to be a comparatively small body, as it is not possible to have executive action taken and most difficult contentious administrative work done through a large body. How is its membership to be fixed?

In the first place, the Great Powers will have to be permanent members of it. Thus the British Empire, France, Italy, the United States of America, and Japan will be permanent members, to whom Germany will be added as soon as she has a stable democratic Government. To these permanent members I would suggest that four additional members be added in rotation from two panels, one panel comprising the important intermediate Powers below the rank of Great Powers, such as Spain, Hungary, Turkey, Central Russia, Poland, Greater Serbia, etc., and the other panel comprising all the minor states who are members of the league. Each panel will provide two members, who will be selected from it in rotation according to rules to be laid down in the first instance by the permanent members, who will also fix the two original panels. The council will therefore have nine or ten members according as Germany is or is not a stable democratic great Power in future.

The advantage of this constitution is that the Great Powers obtain a majority—although only a bare majority—representation on the council and could not therefore complain that their interests run the risk of being swamped by the multiplicity of small states. On the other hand the intermediate and minor states receive a very substantial representation on the league, and could not complain that they are at the mercy of the Great Powers.

It is also well worthy of consideration whether permanent repre-

sensation should not be given to large groups of small states formed for the purpose. Thus all the important states of South America might desire to form a group for purposes of representation on the council. Or a similar group might be formed by all the Balkan and South Slav states, or another by the small states of Northern Europe. The group would always have a representative on the council, but the representation would go in rotation among a panel of important members of the group to be settled by the council. The size of the council would then become somewhat larger, but the advantages of such group representation may in the long run further the ends of the league very much, and the groups might become useful for other purposes besides representation. The subject of such groups could be discussed by the general conference and settled subject to the concurrence of the council. As a further safeguard for the Great Powers and small states alike, it might be laid down that no resolution of the council will be valid if a minority of three or more members vote against it; in other words, more than a two-thirds majority will be required to pass any resolution in the council. This limitation will prevent the council from passing a resolution against which there is a strong feeling, while it will not, I hope, substantially impair the working efficiency of the council. Should a step considered necessary by the majority be vetoed by a minority of three or more, nothing will be left but for the Powers to negotiate among themselves in regard to the removal of the deadlock, and with a certain amount of goodwill a way out will generally be found.

The Powers represented on the council should send to it representatives of the highest standing and authority. These representatives should be the Prime Ministers or Foreign Secretaries, who, however, should have the right of appointing *locum tenentes*. The constitution of the council is that of a conference of Governments, each preserving its own independence and responsible for its own people. As far as possible the working arrangements should follow the practice so successfully inaugurated at the Versailles conference of Prime Ministers in connection with the Supreme War Council. And for the successful working of the council, Government representatives of the highest standing and authority will be necessary. On really important occasions either the Prime Ministers or Foreign Secretaries should, wherever possible, attend personally. And, in any case, they should attend one annual meeting at which there should be a free and frank interchange of views and a review of the general policies of the council. It should also be the invariable practice to call into consultation any state not represented on the council whose interests are directly affected by any decision proposed to be taken by the council. If the most important leaders in the Governments of the Powers attend the sittings of the council as often as

possible, and proper consultation of others interested takes place, the council cannot fail to command the highest prestige and authority, and to become the executive committee of the whole body of sovereign states in their international relations and activities. The more confidence it commands, the less will be the inclination among the Powers to enter into private intrigues or understandings apart from the regular machinery of the council, and the smoother will become the working of the new system of world government.

It would be most important to secure as much publicity for the work of the council as possible, and to this end it would be advisable to issue official statements of its proceedings and resolutions, and any other information which is not of a confidential nature. Secret diplomacy should as much as possible be avoided, as one of the causes of wars. The publication of the voting in the council on matters involving the peace of the world might operate as a most salutary check on the clandestine ambitions of statesmen, and might by exposing their game before the world, assist to mobilize public opinion even in their own countries against them.

In its business arrangements the council will follow largely the precedent of the Versailles Council of Prime Ministers. It will institute a permanent secretariat and staff, which will keep the minutes and records of the council, conduct all correspondence of the council, and make all necessary arrangements in the intervals between the meetings of the council. It will create the machinery necessary to carry out the functions which have been assigned to the league in Section A. Joint committees will have to study the conditions in those countries which are committed to the charge of the league as successor to the defunct empires. Close liaison will have to be maintained with the Foreign Offices of all the constituent countries, as well as with the mandatory states who act for the league in controlled or administered areas. Without any undue or irritating interference in the affairs of states, the council will have to keep in touch with developing conditions in all countries under its charge, and to be in a position from first-hand information to make up its mind on those matters which require executive action by the league. It will have to pay special regard to those situations all over the world which may develop differences and troubles of a serious character between states. In fact, the head office organization will have to be like that of a general staff which studies and watches closely all conditions anywhere developing which might call for action or counsel on the part of the league.

International administrative bodies, now performing international functions in accordance with treaty arrangements, should in future be placed under the management and control of the council. Such subjects as: post, telegraphs, and cables (including wireless telegraphy); air traffic; extradition; copyright, patents, and trade marks;

trade and sanitary regulations; statistics; weights and measures; monetary matters; navigation of rivers; private international laws; liquor traffic; slave trade; fisheries; white slave traffic—all these have been dealt with by conferences in the past, but they can in future be better dealt with by the league, and its permanent staff should make and control the necessary administrative arrangements.

After peace there will be a new and most important group of matters calling for the study or control of the permanent staff. Thus the due execution of the provisions of the peace treaty will have to be carefully watched. New conditions of free transit by land, water, and air will become necessary, and require regulation and control by the league. Again, President Wilson has raised the two far-reaching issues of the freedom of the seas and the establishment of equality of trade conditions by the removal of economic barriers between members of the league. These are matters of the most complex character and ramifying deep into the existing system of law and trade. If assented to by the other Powers their assent could at the most be only to the general principles. Both subjects will require the most careful study and detailed consideration, especially in their application to the circumstances of various countries. No body could be better fitted for this investigation by its authority and the resources for study which it will command than the permanent staff of the council. Then, again, there is the vast subject of industrial conditions, involving international labor conditions, which will call for expert inquiry and statesmanlike handling by the league. All these thorny subjects will call for the appointment of expert committees or commissions on the staff of the league which could prepare the material for a final expression of opinion by the league.

Let no one be alarmed at this formidable list of first-class difficulties which I am lavishly scattering in the path of the league. All these matters, and many more, are rapidly, unavoidably becoming subjects for international handling. Questions of industry, trade, finance, labor, transit and communications, and many others, are bursting through the national bounds and are clamoring for international solution. Water-tight compartments and partition walls between the nations and the continents have been knocked through, and the new situation calls for world government. If the league of nations refuses to function, some other machinery will have to be created to deal with the new problems which transcend all national limits. The task is there; all that is required is a carefully thought out form of Government by which that task could be undertaken. It is a unique problem, both in its magnitude and in the benefits for the world which a successful solution will secure. We can only proceed tentatively and hope for very partial success. In that spirit the above scheme is suggested.

So far I have dealt with the first two branches of the constitution

of the league—the general conference and the council. There remains for consideration the third branch—of judicature. It will, however, be found more convenient to deal with that topic in the next section in connection with the preservation of future world peace.

I would sum up the arguments of this section in the following recommendations as to the constitution and functions of the league:

(10) The constitution of the league will be that of a permanent conference between the Governments of the constituent states for the purpose of joint international action in certain defined respects, and will not derogate from the independence of those states. It will consist of a general conference, a council, and courts of arbitration and conciliation.

(11) The general conference, in which all constituent states will have equal voting power, will meet periodically to discuss matters submitted to it by the council. These matters will be general measures of international law or arrangements or general proposals for limitation of armaments for securing world peace, or any other general resolutions, the discussion of which by the conference is desired by the council before they are forwarded for the approval of the constituent Governments. Any resolutions passed by the conference will have the effect of recommendations to the national Governments and Parliaments.

(12) The council will be the executive committee of the league, and will consist of the Prime Ministers or Foreign Secretaries or other authoritative representatives of the Great Powers, together with the representatives drawn in rotation from two panels of the middle Powers and minor states respectively, in such a way that the Great Powers have a bare majority. A minority of three or more can veto any action or resolution of the council.

(13) The council will meet periodically, and will, in addition, hold an annual meeting of Prime Ministers or Foreign Secretaries for a general interchange of views, and for a review of the general policies of the league. It will appoint a permanent secretariat and staff, and will appoint joint committees for the study and coördination of the international questions with which the council deals, or questions likely to lead to international disputes. It will also take the necessary steps for keeping up proper liaison, not only with the Foreign Offices of the constituent Governments, but also with the authorities acting on behalf of the league in various parts of the world.

(14) Its functions will be:

(a) To take executive action or control in regard to the matters set forth in Section A or under any international arrangements or conventions;

(b) To administer and control any property of an international character, such as international waterways, rivers, straits, railways, fortifications, air stations, etc.;

(c) To formulate for the approval of the Governments

general measures of international law, or arrangements for limitation of armaments or promotion of world peace.

(Its remaining functions in regard to world peace are dealt with in the following Section C.)

#### THE LEAGUE AND WORLD PEACE

We come now to that part of our subject which has received most consideration and discussion during the war. The stupendous character of this tragedy has forced to the front, as the most important and vital issue before the civilized world, the question whether an end cannot be made to war, whether the resources of civilization are not adequate to the prevention of similar calamities overwhelming and perhaps finally engulfing mankind in future. A great literature has sprung up round this question, and in this section I do not propose to do more than summarize what seems to me sound and fruitful in this literature, while especially emphasizing certain points of view which appear to me to be of capital importance.

Now it seems to me that some people expect too much from the new machinery of international arbitration and conciliation which emerges as the chief proposal for preventing future wars. War is a symptom of deep-seated evils; it is a disease or growth out of social and political conditions. While these conditions remain unaltered, it is vain to expect any good from new institutions superimposed on those conditions. Hence it is that I have argued all through this discussion for an inner transformation of international conditions and institutions. If the league of nations merely meant some new wheel to the coach, I do not think the addition worth making, nor do I think the vehicle would carry us any farther. The league must be such as to mean much more than new councils to provide for arbitration and conciliation in future troubles. The new institution of peace must not be something additional, something external, superimposed on the pre-existing structure. It must be an organic change; it must be woven into the very texture of our political system. The new motive of peace must in future operate internally, constantly, inevitably, from the very heart of our political organization, and must, so to speak, flow from the nature of things political. Then, and not till then, will the impulse to war atrophy and shrivel up, and war itself stand stripped in all its horrible nakedness, and lose all the association of romance, all the atmosphere of honor, which has proved so intoxicating and irresistible in the past. That is why I am pleading for a more fundamental conception of the league, for a league whose task will not be to stem the oncoming tide with a broom, but for one which will prevent the tide from flowing at all. I hope I have shown the way to

such a conception of the league; and if at this unique juncture in the fortunes of Christendom that conception, or something similar, could be translated into a real living institution, this war, with all its untold miseries for the world, will not have been in vain. I believe this war has ripened public opinion for a far-reaching change. As has been well said in an official survey of this subject:

The experience of the present war has brought all thinking people to see that the intricate development of commercial and financial relations between all the states of the world has given to all nations a common life, and that war between any two Great Powers produces reactions more widespread and violent than anything realized before the present conflict. No war has hitherto involved so many countries at once; inflicted so many casualties upon combatants or losses on civilians; caused such devastation of land and destruction of property; imposed such comprehensive hardship on the world at large. Such limitations of space, time, and destructive energies as once restricted the evils of war have been swept away; and the magnitude of our present calamity may be expected to provoke a corresponding effort to avert its repetition and aggravation, all the more as this war has shown that there is no real palliative short of prevention. Schemes to civilize warfare, to mitigate its cruelty, to restrict its effect, have failed to achieve their purpose, even where they were not deliberately set aside, and the unbounded possibilities of modern science have been enlisted frankly on the side of force and might, uninfluenced by any consideration of the moral law. The position of neutrals has been only less unhappy than that of belligerents; never before has it been so difficult for them to maintain their neutrality or to eke out a bare subsistence amid the universal shortage which war has created. Nor is there the old and somewhat cold comfort that war affects only a group of nations, a single continent, or one hemisphere. Even the Old and the New World have become one, and the United States of America have been constrained to intervene in a European quarrel for the sake of the peace of mankind. These conditions have brought home the actual realities and horrors of war to men and women outnumbering many times those personally affected by military or naval campaigns of former years.

The psychological and political effects of this tragedy have been very far-reaching. The spirits of nations have broken under this accumulated strain. The old institutions on which militarism and autocracy flourished lie crumbled in the dust; a great wave of advanced democracy is sweeping blindly over Europe; and the deepest longing has taken possession of the great masses of the people that this horror shall never be repeated. The psychological and moral conditions are ripe for a great change. The moment has come for one of the great creative acts of history.

The question is, can we plant the institutions of peace in the very heart of the European political system? I have already sug-

gested in Section A that the anti-militarist régime should be applied, not only in autonomous territories in future coming under the jurisdiction of the league, but also in all new states arising in Europe and claiming admission into the league. But ought we not to go further and apply the system of peace also to the already existing states and to the Great Powers?

Three proposals have been put forward for general disarmament and have already received a great deal of public attention.

They are:

- (a) the abolition of conscription and of conscript armies;
- (b) the limitation of armaments; and
- (c) the nationalization of munitions production.

All three points bristle with difficulties. Let us take them in order.

If conscription or compulsory military service is abolished in the peace treaty what will be the defensive system of states in future? Will it be voluntarism? And will any limit be fixed to the volunteer armies which the states will be allowed to raise? Or will the new system be a militia on the Swiss model, which gives the population primary military training without creating a great military machine that could be suddenly and unexpectedly used for offensive purposes? All these points involve a great deal of complexity and difficulty in detail; and it is quite clear that no cut-and-dried formulæ could be adopted or applied in practice. And yet those difficulties ought not to deter the peace conference from giving the subject the most earnest and anxious consideration. I would go so far as to say that while the Great Powers are allowed to raise conscript armies without hindrance or limit, it would be vain to expect the lasting preservation of world peace. If the instrument is ready for use the occasion will arrive and the men will arise to use it. I look upon conscription as the taproot of militarism; unless that is cut, all our labors will eventually be in vain.

In addition to that danger there is the question of expense to consider. The destruction of capital and the impoverishment of Europe during the war has been immense; the burdens of taxation which the people will have to bear in respect of all this dead-weight debt will be such as to leave little margin for expenditure on necessary schemes of social betterment. If this small margin has to be encroached upon in order to provide the funds required for raising, equipping, and maintaining huge conscript forces, the situation will become intolerable; people simply will not stand it, and the menace of the great anti-state movement now finding expression in Bolshevism will become as great a danger as war itself.

In view of this double danger, I would plead most earnestly for the abolition of conscription at the peace conference. Let the

drunkard sign the pledge, even if we have to look around for some other less dangerous narcotic to soothe him in his troubles. For I admit that it will not be prudent to leave states without the necessary means of self-defence against both internal and external dangers which may threaten their existence. These, however, are matters of detail to be most carefully inquired into and regulated by the league.

In most countries a simple militia system on a scale of numbers and service agreed upon by the league will probably be the best alternative. By periodical reports from the states in regard to the working of the new system, as well as direct liaison between the permanent staff of the league and the military departments of the states, the council of the league could satisfy itself that all goes well and take the necessary precautions against any abuses or evasions which may be disclosed. As the council will represent the states themselves, it is sure to keep a jealous eye on all military developments.

In some countries, however, a voluntary system will be almost in accord with past practice and traditions as well as with the geographical situation. This will probably be the case of the United States of America and certainly of Great Britain, for whose overseas possessions an army recruited on a voluntary long-term basis is essential. In the Dominions different systems prevail and will no doubt continue to prevail. Thus Canada and India follow the voluntary system, while the other Dominions have a compulsory militia system on the Swiss model. In these cases, too, the council of the league will after due inquiry lay down the scale of the defensive system, and will in doing so have to be partly guided by the consideration that, with due regard to all the circumstances, the voluntary standing army authorized by it will have no greater offensive power for the purpose of foreign aggression than the militia authorized in other cases. Nice questions will arise and no doubt give ample employment to the gentlemen on the permanent staff; but I see nothing inherently insoluble in the problems presented, so long as states are *bona fide* willing to make the new system workable.

Of the three proposals for disarmament, the abolition of conscription is by far the most important, and it is also the one behind which there will be the greatest volume of public opinion. The feelings against war engendered by the casualties and miseries of this war will tell most strongly in favor of this fundamental reform; and if carried it will set free a mass of productive labor for purposes of reconstruction, which otherwise would have gone to waste in camps and barracks. It is the most important, the most far-reaching in its effects on the peace régime, and the one probably most easy to carry in view of popular feeling. I hope, therefore,

that every effort will be made at the peace conference to have it adopted in the peace treaty.

Coming now to the second proposal, viz., the limitation of armaments, I frankly admit that it presents very grave difficulties as a general principle. Two conundrums are at once presented :

- (a) what are armaments; and
- (b) on what principle can one weapon of destruction be valued as against another of a different kind?

Both questions are at first sight unanswerable. The weapons of war are no longer limited in range and use as in former wars. It is practically impossible, after our experience of this war, to say what things could be excluded from the list of armaments in the broad sense. The war was fought throughout and ultimately won, not only by the usual military weapons in the narrower sense, but by the whole economic, industrial, and financial systems of the belligerent Powers. Food, shipping, metals and raw materials, credit, transport, industries and factories of all kinds played just as important a part as guns, rifles, aeroplanes, tanks, explosives and gas, warships and submarines.

Even if a compromise is suggested here, and the list of armaments selected for limitation is confined to direct instruments of war such as those last enumerated, then the second question arises, how one instrument is to be valued against another? How is an aeroplane valued as against a tank, a Zeppelin against a submarine, a machine gun against a field gun, or a Stokes gun, or a can of poison gas? Unless a whole system of comparative values is settled, the armaments of one state may exceed in striking power those fixed for another state of equal military standing. And new inventions may at any moment upset the apple-cart, with all its precious table of values. Is there any way out of these perplexities? In despair of finding a general solution for our question, it may be that the peace conference or the league is driven to consider partial remedies, such as the limitation of the use of the submarine and aerial bombing, the prohibition of poison gas and disease germs, and similar abominations. Such reforms will not, however, touch the main issue, which is not the humanizing of war, but the general limitation of armaments with a view to rendering war difficult, and, in the end, impossible.

The only suggestion I can make is that, if conscription is abolished and militia or volunteer forces authorized for the future defence of states, the scale of direct armament and equipment on a fair basis *for such forces* should be determined after the inquiry by the council, and that, once such scale is determined, it should not be exceeded by any state without permission of the council. The effect will be that a state, say, with an authorized army of 100,000

men will not be allowed to have guns and machine guns and other direct war weapons for an army of 500,000, and so be in a position, by rapid expansion of its army after the outbreak of war, to arm and equip the expanded army to the full. Such a provision seems almost a necessary corollary to the abolition of conscription and the limitation of volunteer or militia forces to definite numbers. Nor does it appear impracticable. Limitation of armaments in this narrower sense is eminently a subject for the experts of the league to thrash out, and it ought not to be beyond their powers to produce a workable scheme for such limitation.

The nationalization of armament factories has been advocated, on the ground that as long as the production of munitions of war remains a private commercial undertaking, huge vested interests grow up around it which influence public opinion through the press and otherwise in the direction of war. There is no doubt that the influence of Krupps has been harmful to the great peace interests of the world, and, in a less degree, the same could probably be said of most other similar undertakings. The very success of that sort of business depends on the stimulation of the war atmosphere among the peoples. The press, influenced by the large profits and advertising enterprise of the armament firms, whip up public opinion on every imaginable occasion; small foreign incidents are written up and magnified into grave international situations affecting the pacific relations of states and the war temperature is artificially raised and kept up.

The proposal is, in my opinion, a sound one, and should be adopted by the conference or the league. Of course, difficulties have been urged against it. Where are the small states, who are dependent for supplies on the private munition factories in the countries of the Great Powers, going to get their armaments in future? I am not much impressed with this sort of argument. To keep up the high temperature of the war atmosphere over the world for the sake of indulging the small Balkan and other states in their special form of sport will not appeal to the great democracies of the world. It will materially assist the peace policy of the league to cut off the supply of arms and munitions from these small states, whose little fits of temper are too costly to the world, and whose security could be more safely entrusted to the league.

In order to enable the council of the league to keep in touch with the production and movements of arms and munitions, the council should have full rights of inspection of all such national factories, and should, besides, be furnished periodically with returns of the imports and exports of arms and munitions into and from the territories of the members of the league.

It must be borne in mind that, even with this information before it, the council will not be in possession of the full facts. The

important question remains, how soon other private factories engaged in other industries could be converted to the production of munitions, and to what extent the official or state production could thus be increased? I am afraid that, unless inquisitorial powers are given to the league, it could not follow up this important aspect of the matter. In all its calculations, however, the council will have to bear in mind that there is this vast reserve capacity of production in the background, a capacity which will be specially great for the next decade because of the great number of munition factories which will now be converted to other uses, and could, in case of necessity, be reconverted to the production of munitions.

This discussion may be summed up in the following three recommendations :

(15) That all the states represented at the peace conference shall agree to the abolition of conscription or compulsory military service; and that their future defence forces shall consist of militia or volunteers, whose numbers and training shall, after expert inquiry, be fixed by the council of the league.

(16) That while the limitation of armaments in the general sense is impracticable, the council of the league shall determine what direct military equipment and armament is fair and reasonable in respect of the scale of forces laid down under paragraph 15, and that the limits fixed by the council shall not be exceeded without its permission.

(17) That all factories for the manufacture of direct weapons of war shall be nationalized and their production shall be subject to the inspection of the officers of the council; and that the council shall be furnished periodically with returns of imports and exports of munitions of war into or from the territories of its members, and as far as possible into or from other countries.

I now proceed to deal briefly with the specific proposals which have been put forward for the purpose of preventing international disputes from developing into wars. The actual scope of most of these proposals is not to prevent wars altogether, but the more limited one of compelling disputants not to go to war before their dispute has been inquired into and either decided or reported upon by an impartial outside authority. This is the furthest limit that most writers have been prepared to go. As long as members of the league submit their disputes for inquiry and report or recommendation or decision by some outside authority, their obligation to the league will be satisfied, and thereafter they will be free to take any action they like, and even to go to war.

This may appear a weak position to take up; and yet it is not deemed expedient to go farther. The utmost that it seems possible to achieve in the present conditions of international opinion and practice is to provide for a breathing space before the disputants

are free to go to war; to create a binding moratorium or period of delay, during which the parties to the dispute agree not to proceed to extremes but to await the results of the inquiry or hearing to which their case has been referred. The general opinion is that states will not be prepared to bind themselves further; and even if they do, the risk of their breaking their engagements is so great as to make the engagement not worth while and indeed positively dangerous. The common view is that, if such a period of deliberation and delay is established, there will be time for extreme war passions to cool down, and for public opinion to be aroused and organized on the side of peace. And in view of the enormous force which public opinion would exert in such a case, the general expectation is that it will prove effective, and that the delay, and the opportunity thus given for further reflection and the expression of public opinion, will in most cases prevent the parties from going to war. Thus, although the engagement of the disputants is only to delay action pending the inquiry into or hearing of their case and the issue of a decision or report, the actual effect of the delay will in most cases be more far-reaching, and the threatened war may be prevented altogether.

The moratorium must extend not only for the period of the inquiry and until a decision or report has been rendered, but for a reasonable time after such rendering, in order that the disputants may have an opportunity to consider whether compliance with it is possible. This will also give the council an opportunity for a final effort to secure the adhesion of the disputants to the decision or report. What is a reasonable time for this purpose is a matter of detail which could be left to be settled by the league.

I have assumed that the council will in any case be able to render a report or make recommendations about the dispute. But as a minority of three or more may veto any resolution of the council, the possibility has to be faced that in exceptional cases the council, in spite of all its efforts, may be unable to make a report or recommendation. However regrettable this may be, the delay would have given time for the passions of the disputants to cool and thus have served a useful purpose.

Should states be forbidden to make warlike preparations during the moratorium? On the whole the answer should be in the negative, not only because it is practically impossible to say what warlike preparations are, but also because it may conceivably be in the interest of the innocent party, whose military preparations are behindhand, to use the interval of the moratorium to improve his defences and thus give his aggressive opponent additional food for reflection and caution.

While it is free to a state to go to war after the report or recommendation of the league has been given, it would be mon-

strous to permit this as against a state which obeys and carries out the recommendation of the league. If such a state is notwithstanding attacked by an unscrupulous opponent, the latter should be dealt with by the league, which could not possibly sit still and have its authority so flagrantly flouted. To sum up discussion, I make the following recommendation:

(18) That the peace treaty shall provide that the members of the league bind themselves jointly and severally not to go to war with one another—

(a) without previously submitting the matter in dispute to arbitration, or to inquiry by the council of the league; and

(b) until there has been an award, or a report by the council; and

(c) not even then, as against a member which complies with the award, or with the recommendation (if any) made by the council in its report.

What are the penalties incurred by any party which breaks this covenant to observe the moratorium? This is the most important question of all in regard to the preservation of world peace. Without an effective sanction for the keeping of the moratorium the league will remain a pious aspiration or a dead letter. The forces of public opinion which would be mobilized during the moratorium will in most cases be strong enough to restrain the parties from going to war, but to achieve that object the opportunity of a moratorium must be guaranteed with all the force which is behind the league. The breaker of the moratorium and generally of the covenant in paragraph 18 should therefore become *ipso facto* at war with all the other members of the league, great and small alike, which will sever all relations of trade and finance with the law-breaker, and prohibit all intercourse with its subjects, and also prevent as far as possible all commercial and financial intercourse between the subjects of the law-breaker and those of any other state, whether a member of the league or not. No declaration of war should be necessary, as the state of war arises automatically on the law-breaker proceeding to hostilities, and the boycott follows automatically from the obligation of the league without further resolutions or formalities on the part of the league.

The effect of such a complete automatic trade and financial boycott will necessarily be enormous. The experience of this war has shown how such a boycott, effectively maintained chiefly through sea power, has in the end availed to break completely the most powerful military power that the world has ever seen; and the lesson is not likely to be lost on future intending evil-doers. It is because of this power of the economic and financial weapons that many writers are of opinion that the obligation for action by mem-

bers of the league should not go beyond the use of these weapons. My view, however, is that they will not be enough if unsupported by military and naval action. A powerful military state may think that a sudden military blow will achieve its object in spite of boycotts, provided that no greater military reaction from the rest of the league need be feared. This fear may under certain circumstances be a more effective deterrent than even the boycott; and I do not think the league is likely to prove a success unless in the last resort the maintenance of the moratorium is guaranteed by force. The obligation on the members of the league to use force for this purpose should therefore be absolute, but the amount of the force and the contribution from the members should be left to the recommendation of the council to the respective Governments in each case. It will probably be found convenient, and even advisable, to absolve the small members of the league from the duty of contributing military and naval forces and to be satisfied with their participation in the boycott. The obligation to take these measures of force should be joint and several, so that while all the members are bound to act, one or more who are better prepared for action or in greater danger than the rest may proceed ahead of the others.

In order to secure world peace I would pile up the dangers and risks in front of an intending breaker of the moratorium. Should the rigors of maritime warfare be mitigated at the peace and a measure of freedom be restored to the seas in the direction contended for by President Wilson, I would advocate the power of full revival of all these rigors as against such a law-breaker. Not only the right of visit and search, but also of complete naval blockade, should be exercisable against such a state. And the question requires careful consideration whether such a state should be accorded the status of legalized war, and whether it should not be outlawed and treated as the common criminal that it is. This would be a matter for the experts of the league to consider more fully in all its bearings. But in any case I would advocate a provision that any breaker of the moratorium should after the resulting war be subject to perpetual disarmament, that its forces should be reduced to a minimum basis, and that it should be subjected to a peaceful régime in the same way as new independent states recognized after this war in accordance with paragraph 8. The prospect of what will in effect be a permanent degradation and reduction in status as a Power will probably act as a strong deterrent to the intending evildoer. I therefore recommend:

(19) That the peace treaty shall provide that if any member of the league breaks its covenant under paragraph 18, it shall *ipso facto* become at war with all the other members of the league, which shall subject it to complete economic and financial boycott,

including the severance of all trade and financial relations and the prohibition of all intercourse between their subjects and the subjects of the covenant-breaking state, and the prevention, as far as possible, of the subjects of the covenant-breaking state from having any commercial or financial intercourse with the subjects of any other state, whether a member of the league or not.

While all members of the league are obliged to take the above measures, it is left to the council to recommend what effective naval or military force the members shall contribute, and, if advisable, to absolve the smaller members of the league from making such contribution.

The covenant-breaking state shall after the restoration of peace be subject to perpetual disarmament and to the peaceful régime established for new states under paragraph 8.

The actual treatment of the matter in dispute during the moratorium depends upon the classification of disputes into the two classes of justiciable and other disputes. Justiciable disputes are those which concern matters of fact or law which are capable of a legal or judicial handling. They involve mostly the interpretation of treaties or some other question of international law; or questions of fact, such as the situation of boundaries, or the amount of damage done by any breach of the law. The inquiry into such questions is exactly the province of courts of law, and disputes of this kind can therefore conveniently be referred to courts or arbitration tribunals of a judicial character, if they cannot be otherwise disposed of by negotiation. This treatment of international disputes has met with remarkable success in recent years, and has thus served to nip many a threatened war in the bud. Indeed, it may be said that the reference of justiciable cases to the decision of arbitral tribunals has become the common international practice. And the award of such tribunals has in almost all cases been carried out by the states against whom the decision was given, the exceptions being mostly confined to cases where the tribunal was accused of having exceeded its jurisdiction or admitted wrong evidence, or of other mistakes in procedure.

The real difficulty with regard to arbitration tribunals is to secure impartial arbitrators. The proposal has been made to create a permanent international tribunal or court, to which all justiciable cases may be referred by the council of the league. But the objection to this is that, as the judges on such a tribunal will be nationals of states, a state who appears as a litigant before the tribunal may feel aggrieved because a national of the opposing state may happen to be sitting in the case, and may be suspected of bias. On the whole, the most workable procedure seems to be to have a panel of arbitrators, to be prepared periodically by the council of the league, from which the litigants will select their respective

arbitrators, and that if the arbitrators cannot agree as to the umpire, the nomination of the latter from the panel shall be left to the council, or to some other impartial authority indicated by the council for the purpose. I recommend:

(20) That the peace treaty shall further provide that if a dispute should arise between any members of the league as to the interpretation of a treaty, or as to any question of international law, or as to any fact which if established would constitute a breach of any international obligation, or as to any damage alleged and the nature and measure of the reparation to be made therefor, and if such dispute cannot be settled by negotiation, the members bind themselves to submit the dispute to arbitration and to carry out any award or decision which may be rendered.

It may, however, be that the circumstances of the dispute are not of a justiciable nature. It may be that the council of the league, when they are appealed to to intervene in the matter, may be unable to decide whether it is a proper case for reference to an arbitration tribunal, or the minority may veto the appointment of an umpire about whom there cannot be an agreement otherwise, or for some reason or other a reference to arbitration may prove impracticable. In fact, we are here in the region of the most dangerous and intractable causes of war, where passions run high, not only among the disputants but also their partisans among other states. The issues are generally vague and intangible, and spring from special grounds of national psychology. They involve large questions of policy, of so-called vital interests, and of national honor. It is round these issues and questions that national and international passions gather like storm-clouds, until the thunder of war alone can clear the air again. They cannot be disposed of on judicial lines, and require entirely different treatment. They do, indeed, require careful inquiry into facts and allegations by the council and its expert committees; but, above all, they require that tactful diplomatic negotiation and conciliation between the disputants which great statesmen know best how to bring to bear on delicate and dangerous situations. Unlike arbitration on definite issues of fact or law, the object in these cases is not to arrive at a definite decision, but to mediate between the parties with a view to an amicable or peaceful settlement of the dispute; and if that fails, then to prepare recommendations and statements which will inform and guide public opinion correctly as to the dispute and so enable it to mobilize its forces on the side of peace.

In all such cases, it ought to be free to either party to the dispute to appeal to the council of the league to take the matter of the dispute into consideration. In threatening cases it ought to be free to the council to intervene in the dispute on its own motion, without

waiting for an application by one or other of the disputants. If applied to by one of the disputants the council will forthwith give notice of the application to the other disputant, and proceed to make the necessary arrangements for the hearing of the dispute. It may appoint expert committees to inquire into allegations of fact or law, the determination of which may assist in the settlement of the dispute. It should be the duty of all members of the league to place at the disposal of the council, or any committee appointed by it, to the fullest extent compatible with their interests, the information in their possession which bears upon the dispute. The functions of the council in connection with the dispute shall be two-fold: Firstly, to ascertain the facts with regard to the dispute, and to make recommendations based on the merits of the case, and calculated to ensure a just and lasting settlement; and, secondly, to mediate and conciliate between the disputants with a view to inducing them to accept such recommendations.

The recommendations arrived at by the council will not have the force of decisions, and it will be free to either disputant to refuse to accept them and to go to war. It is even possible that the minority in the council is large enough to prevent any recommendations from being arrived at at all. If either party threatens to go to war in spite of the recommendations of the council, the latter will publish its recommendations in order to inform and guide public opinion in regard to the issues of the dispute. If, again, the council fails to agree on any recommendations, it will be even more necessary to place the public in a position to judge impartially of the questions at issue. In such a case it ought to be free both to the majority and the minority on the council to publish statements of their views of the dispute and the recommendations they favored but failed to pass in the council; and the publication of such statements should not be regarded as an unfriendly act by either of the disputants. The publication of these statements may, however, lead to such a crystallization of public opinion that even at the eleventh hour the parties are restrained from going to war. I therefore recommend:

(21) That if on any ground it proves impracticable to refer such dispute to arbitration, either party to the dispute may apply to the council to take the matter of the dispute into consideration. The council shall give notice of the application to the other party, and make the necessary arrangements for the hearing of the dispute. The council shall ascertain the facts with regard to the dispute and make recommendations based on the merits, and calculated to secure a just and lasting settlement. Other members of the league shall place at the disposal of the council all information in their possession which bears on the dispute. The council shall do its utmost by mediation and conciliation to induce the dis-

putants to agree to a peaceful settlement. The recommendations shall be addressed to the disputants and shall not have the force of decisions. If either party threatens to go to war in spite of the recommendations, the council shall publish its recommendations. If the council fails to arrive at recommendations, both the majority and minority on the council may publish statements of the respective recommendations they favor, and such publication shall not be regarded as an unfriendly act by either of the disputants.

There remains for final consideration the case of a dispute in which one or both of the disputants happen to be outside the league. The treatment of such a dispute, however, will follow the lines above laid down. If one of the disputants is a member of the league it may apply to the council either for arbitration or a hearing, as the case may be. The council may then call on the outside state to submit its case; if it does so, the matter will proceed in accordance with the foregoing recommendations. If it fails to submit its case, the council may proceed to inquire into the dispute *ex parte*, and make recommendations in the same way as if both parties were present. If the disputant which is a member of the league is attacked during the moratorium or notwithstanding its compliance with the recommendations of the council by the outside state, the situation arising will be the same as if the attack had been made by a member of the league in the same circumstances, that is to say, the members of the league will become *ipso facto* at war with the outside state against which the economic and financial boycott will be set in operation, and the council will proceed to organize the necessary military and naval forces.

In the case of a dispute between states, neither of which is a member of the league, any of the members may bring the matter before the council with a view to the council using its good offices to prevent war.

Any state which is not an original member of the league may apply to the council for admission. The council will give the application favorable consideration, and decide whether it should be granted, and whether it is necessary to impose any terms.

I have now come to the end of this short sketch of the league of nations. Whatever its imperfection, I hope it has shown that the project is not only workable, but necessary as an organ of the new world order now arising. If the future peace of the world is to be maintained, it will not be sufficient merely to erect an institution for the purpose of settling international disputes after they have arisen, it will be necessary to devise an instrument of government which will deal with the causes and sources of disputes. The need is there, and the end of the great war has brought an unequalled opportunity for dealing with it. For not only are men's minds prepared for the new peaceful order, but the sweeping away of the

imperial systems of Europe leaves the space vacant which the new institution must occupy. The need, political and psychological, is imperative; the opportunity is unique; and only the blindness of statesmen could now prevent the coming of the new institution, which will, more than anything else, reconcile the peoples to the sufferings they have endured in this war. It will be the only fitting monument to our heroic dead. It will be the great response to the age-long cry from the human heart for "Peace on earth, goodwill among men." It will nobly embody and express the universal spirit which must heal the deep, self-inflicted wounds of humanity. And it must be the wise regulator, the steadying influence in the forward movement now set going among the nations of the earth.

For there is no doubt that mankind is once more on the move. The very foundations have been shaken and loosened, and things are again fluid. The tents have been struck, and the great caravan of humanity is once more on the march. Vast social and industrial changes are coming—perhaps upheavals which may, in their magnitude and effects, be comparable to war itself. A steadying, controlling, regulating influence will be required to give stability to progress, and to remove that wasteful friction which has dissipated so much social force in the past, and in this war more than ever before. These great functions could only be adequately fulfilled by the league of nations. Responding to such vital needs and coming at such a unique opportunity in history, it may well be destined to mark a new era in the government of man, and become to the peoples the guarantee of peace, to the workers of all races the great international, and to all the embodiment and living expression of the moral and spiritual unity of the human race.

## The Cecil Plan, January 14, 1919

(The changes from the earlier draft are noted.)

### DRAFT SKETCH OF A LEAGUE OF NATIONS

#### I

##### ORGANIZATION

THE General Treaty setting up the League of Nations will explicitly provide for regular conferences between the responsible representatives of the Contracting Powers.

These conferences would review the general condition of international relations, and would naturally pay special attention to any difficulty which might seem to threaten the peace of the world. They would also receive, and as occasion demanded discuss, reports as to the work of any international administrative or investigating bodies working under the League.

These conferences would constitute the pivot of the League. They would be meetings of statesmen responsible to their own sovereign Parliaments, and any decisions taken would therefore, as in the case of the various Allied Conferences during the War, have to be unanimous.

The following form of organization is suggested:—

#### 1. THE CONFERENCE.

*Annual Meeting* of Representatives <sup>1</sup> of British Empire, United States, France, Italy, Japan, and any other States recognized by them as Great Powers.

*Quadrennial Meeting* of representatives of all States included in the League.

There should also be provision for the summoning of *special conferences* on the demand of any one of the Great Powers, or, if there were danger of an outbreak of war, of any member of the League. (The composition of the League will be determined at the Peace Conference. Definitely untrustworthy and hostile States <sup>2</sup> should be excluded. Otherwise, it is desirable not to be too rigid in scrutinising qualifications.<sup>3</sup>)

2. For the conduct of its work the Inter-State Conference will require a *Permanent Secretariat*. The General Secretary or

<sup>1</sup> Earlier draft read "Prime Ministers and Foreign Secretaries."

<sup>2</sup> Earlier draft added "e.g. Russia, should the Bolshevist Government remain in power."

<sup>3</sup> Earlier draft added: "since the smaller powers will in any case not exercise any considerable influence."

Chancellor should be appointed by the Great Powers, if possible choosing a national of some other country.

### 3. INTERNATIONAL BODIES.<sup>1</sup>

The Secretariat would be the responsible channel of communication between the Inter-State Conference and, so far as possible, all International bodies. It would also form the connecting link between the States members of the League and the Inter-State Conference. The International Bodies would fall into three classes:

- (a.) *Judicial, i. e.*, the existing Hague organization, with any additions or modifications made by the League, or by the Peace Treaties.
- (b.) *International Administrative Bodies*, such as a Transit Commission for regulating international waterways and perhaps railways. To these would be added bodies already formed under existing treaties (which are very numerous and deal with every important interest, *e. g.*, Postal Union, International Labour Office, &c.)
- (c.) *International Commissions of Enquiry, e. g.*, Commission on Industrial Conditions (Labour Legislation), Armaments Commission, &c.

4. In addition to the above arrangements arising out of the General Treaty, there might <sup>2</sup> be a *periodical congress* of delegates of the Parliaments of the States belonging to the League, as a development out of the existing inter-Parliamentary Union. A regular staple of discussion for this body would be afforded by the reports of the Inter-State Conference and of the different International bodies. The Congress would thus cover the ground that is at present occupied by the periodical Hague Conference and also, perhaps,<sup>3</sup> the ground claimed by the Socialist International.

<sup>1</sup> Clause 3 of earlier draft read thus:

The Secretariat would be the responsible channel of communication between the Inter-State Conference and all International bodies functioning under treaties guaranteed by the League. These would fall into three classes:

- (a) *Judicial i. e.*, the existing Hague organization with any additions or modifications made by the League.
- (b) *International Administrative Bodies*: such as the suggested Transit Commission. To these would be added bodies already formed under existing treaties (which are very numerous and deal with very important interests *e. g.* Postal Union, International Labour Office, etc.)
- (c) *International Commissions of Enquiry*: *e. g.* Commission on Industrial Conditions (Labour Legislation), African Commission, Armaments Commission.

<sup>2</sup> Earlier draft read "would probably" for "might".

<sup>3</sup> "perhaps" not in earlier draft.

For the efficient conduct of all these activities, it is essential that there should be a permanent central meeting-place, where the officials and officers of the League, and perhaps its buildings,<sup>1</sup> would enjoy the privileges of extra-territoriality.<sup>2</sup>

## II

## PREVENTION OF WAR

The covenants for the prevention of war which would be embodied in the general treaty would be as follows:

1. The members of the League would bind themselves not to go to war until they had submitted the questions at issue to an international conference or an arbitral court, and until the conference or court had issued a report, or made an award,<sup>3</sup> or had failed within a period to be fixed to issue such report or award.
2. The members of the League would bind themselves not to go to war with any member of the League complying with the award of a court or with the report of a conference. For the purpose of this clause, the report of the conference must be unanimous, excluding the litigants.
3. The members of the League would undertake to regard themselves as, *ipso facto*, at war with any one of them acting contrary to the above covenants, and to take, jointly and severally, appropriate military, economic and other measures against the recalcitrant State.
4. The members of the League would bind themselves to take similar action, in the sense of the above clause, against any State not being a member of the League which is involved in a dispute with a member of the League and which does not agree to adopt the procedure obligatory on members of the League.<sup>4</sup>

The above covenants mark an advance upon the practice of international relations previous to the war in two respects: —

1. In ensuring a necessary period of delay before war can break out (except between two States which are neither of them members of the League);
2. In securing public discussion, and probably a public report, upon matters in dispute.

<sup>1</sup> "and perhaps its buildings" not in earlier draft.

<sup>2</sup> Earlier draft added "Geneva is suggested as the most suitable place."

<sup>3</sup> Earlier draft read "or handed down an award," omitting the following phrase.

<sup>4</sup> Earlier draft added "(This is a stronger provision than that proposed in the Phillimore Report)."

It should be observed that even in cases where the conference report is not unanimous, and therefore in no sense binding, a majority report would probably <sup>1</sup> be issued, and that this would be likely to carry great weight with the public opinion of the world.<sup>2</sup>

Paris,

January 14, 1919.

<sup>1</sup> Earlier draft read "may" for "would probably."

<sup>2</sup> Earlier draft read "States in the League" for "world."

**Wilson's Second Draft or First Paris Draft, January 10, 1919  
with Comments and Suggestions by D. H. M.**

*(See Vol. I. p. 40 sqq.)*

COVENANT

PREAMBLE

In order to secure peace, security, and orderly government by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the Powers signatory to this covenant and agreement jointly and severally adopt this constitution of the League of Nations.

COMMENT

The words "of the world" are inserted, as the constitution is international.

Uniformly throughout the Suggestions, "Covenant" is substituted for "covenant and agreement" as here, or "agreement" (Article I) or "Covenant and Convention" (Article XIII).

The words "jointly and severally" add nothing to the Preamble and technically go beyond the actual agreement, as at least one agreement is specifically "several" (Article XIII).

SUGGESTION

In order to secure the peace, security, and orderly government of the world by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and the scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the Powers signatory to this Covenant adopt this Constitution of the League of Nations.

ARTICLE I.

The action of the Signatory Powers under the terms of this agreement shall be effected through the instrumentality of a Body of Delegates which shall consist of the ambassadors and ministers of the contracting Powers accredited to H. and the Minister for Foreign Affairs of H. The meetings of the Body of Delegates shall be held at the seat of government of H. and the Minister of Foreign Affairs of H. shall be the presiding officer of the Body.

Whenever the Delegates deem it necessary or advisable, they may meet temporarily at the seat of government of B. or of S., in which case the Ambassador or Minister to H. of the country in which the meeting is held shall be the presiding officer *pro tempore*.

It shall be the privilege of any of the contracting Powers to assist its representative in the Body of Delegates by any method of conference, counsel, or advice that may seem best to it, and also to substitute upon occasion a special representative for its regular diplomatic representative accredited to H.

#### COMMENT

Uniformly throughout the Suggestions, "Contracting Powers" is used instead of "Signatory Powers" as here. "Powers Signatory" (Article v) "nations signatory or adherent" (Article VIII), etc.

Under the Covenant, it is not the "action" of the Contracting Powers which is affected through the instrumentality of the Body of Delegates (See e. g. Articles VI and VII).

It is essential to state how many Delegates must be present for a valid meeting. Inference from ordinary parliamentary rules might suggest a bare majority, but obviously nearly all Delegates should be present. Hence the suggestion of nine-tenths as constituting a quorum.

#### SUGGESTION

The instrumentality of the Contracting Powers under the terms of this Covenant shall be a Body of Delegates which shall consist of the ambassadors and ministers of the Contracting Powers accredited to H. and the Minister for Foreign Affairs of H. The meetings of the Body of Delegates shall be held at the seat of government of H. and the Minister for Foreign Affairs of H. shall be the presiding officer of the Body.

Whenever the Delegates deem it necessary or advisable, they may meet temporarily at the seat of government of B. or of S., in which case the Ambassador or Minister to H. of the country in which the meeting is held shall be the presiding officer *pro tempore*.

It shall be the privilege of any of the Contracting Powers to assist its representative in the Body of Delegates by any method of conference, counsel or advice that may seem best to it, and also to substitute upon occasion a special representative for its regular diplomatic representative accredited to H.

A quorum of the Body of Delegates at any meeting shall consist of nine-tenths of the members thereof.

#### ARTICLE II.

The Body of Delegates shall regulate their own procedure and shall have power to appoint such committees as they may deem

necessary to inquire into and report upon any matters that lie within the field of their action.

It shall be the right of the Body of Delegates, upon the initiative of any member, to discuss, either publicly or privately as it may deem best, any matter lying within the jurisdiction of the League of Nations as defined in this Covenant, or any matter likely to affect the peace of the world; but all actions of the Body of Delegates taken in the exercise of the functions and powers granted to them under this Covenant shall be first formulated and agreed upon by an Executive Council, which shall act either by reference or upon its own initiative and which shall consist of the representatives of the Great Powers together with the representatives drawn in annual rotation from two panels, one of which shall be made up of the representatives of the States ranking next after the Great Powers and the other of the representatives of the minor States (a classification which the Body of Delegates shall itself establish and may from time to time alter), such a number being drawn from these panels as will be but one less than the representatives of the Great Powers; and three or more negative votes in the Council shall operate as a veto upon any action or resolution proposed.

All resolutions passed or actions taken by the Body of Delegates upon the recommendation of the Executive Council, except those adopted in execution of any direct powers herein granted to the Body of Delegates themselves, shall have the effect of recommendations to the several governments of the League.

The Executive Council shall appoint a permanent Secretariat and staff and may appoint joint committees chosen from the Body of Delegates or consisting of specially qualified persons outside of that Body, for the study and systematic consideration of the international questions with which the Council may have to deal, or of questions likely to lead to international complications or disputes. It shall also take the necessary steps to establish and maintain proper liaison both with the foreign offices of the signatory powers and with any governments or agencies which may be acting as mandatories of the League of Nations in any part of the world.

#### COMMENT

##### *First Paragraph:*

It is essential to state in each case specifically whether or not the Body of Delegates can act by majority, two-thirds, three-fourths, etc. Hence, the suggestion of a majority vote in matters of procedure and appointment of committees.

##### *Second Paragraph:*

The first sentence gives the Body of Delegates the right of discussion. No change is suggested.

The second sentence commences by limiting all actions of the Body of Delegates to those "first formulated and agreed upon by the Executive Council." This language is extremely sweeping. For example as it specifically includes all actions "taken in the exercise of the functions and powers granted to them (the Body of Delegates) under this Covenant" it would include even their regulation of procedure under the first paragraph of this Article and their appointment of committees. Emphasis is laid on this point as the language is absolutely inclusive and furthermore is exclusive of any power of amendment by the Body of Delegates.

It would be simpler to provide that the powers of the Body of Delegates shall be only those specifically granted in the Covenant, and in each necessary case when a power is granted, to limit *specifically* its exercise by the requirement of a precedent recommendation of the Executive Council. This would permit questions of procedure and such matters as are merely advisory (e. g. Article iv) to be passed on by the Body of Delegates, and give them independently useful but harmless work to do.

After providing that the Executive Council may act either upon reference or upon its own initiative, the composition of the Executive Council is provided for.

The States are to be divided into three classes:

- (a) The Great Powers.
- (b) The States ranking next after the Great Powers.
- (c) The minor States.

This classification is to be established in the first instance by the Body of Delegates. Here is one exception, presumably, to the requirement that the Body of Delegates can act only after its action is formulated and agreed upon by the Executive Council, for the classification of the Powers in the first instance must be made by the Body of Delegates before any Executive Council exists.

There is no provision as to whether the Body of Delegates in this case shall act by majority vote or not.

All would agree that there are now five Great Powers, but nothing can be imagined as much more likely to cause discord than an attempt to have some thirty or forty States classify themselves into "Powers ranking next after the Great Powers" and "Minor States."

At the outset there would be nine members of the Executive Council and presumably, though not specifically stated, two members would be drawn from each of the two panels yearly.

It is not stated whether the drawing is to be alphabetical or by lot, and if the latter, by whom made.

If the drawing were alphabetical and if Germany were not regarded as a Great Power at the outset, the four Powers for the first year (in the French language) would probably be Germany and Argentina, and Belgium and Bolivia.

Of course the control of the League must in reality be with

the Great Powers. It is submitted that it would be simpler and cause less friction to provide directly for an Executive Council of nine Powers, including the five Great Powers, the other four to be elected annually by the Body of Delegates without being eligible for re-election until representatives of all the other Member Powers have served on the Council.

The last sentence of the second paragraph provides that three votes in the Council shall be a veto of any action or resolution proposed.

The suggestion is that it be specifically provided that seven members of the Council shall constitute a quorum, and that seven or more votes be required for any action of the Council; thus preventing action at a meeting at which say only six members were present, even if it were unanimous.

*Third Paragraph:*

In view of the general and specific limitations on the powers of the Body of Delegates, it is believed that this paragraph may be omitted without increasing the powers of the Body of Delegates.

*Fourth Paragraph:*

Only a slight change in verbiage is suggested.

SUGGESTION

The Body of Delegates shall by majority vote regulate their own procedure and shall have power by majority vote to appoint such committees as they may deem necessary to inquire into and report upon any matters that lie within the field of their action.

It shall be the right of the Body of Delegates, upon the initiative of any member, to discuss, either publicly or privately as it may deem best, any matter lying within the jurisdiction of the League of Nations as defined in this Covenant, or any matter likely to affect the peace of the world.

The Body of Delegates shall have only the powers specifically granted thereto in this Covenant and no others.

An Executive Council is hereby constituted, which may act either upon reference or upon its own initiative.

The Executive Council shall be composed of the representatives of nine Powers, including always Great Britain, France, United States of America, Italy, and Japan.

At the first meeting of the Body of Delegates and annually thereafter, the Body of Delegates shall by majority vote, choose four other Contracting Powers, whose representatives shall constitute the remaining members of the Executive Council for the ensuing year. But no Power shall be chosen for a second or subsequent time as one of such four Powers unless all other Contracting Powers (other than the five Powers heretofore specifically named) have been so chosen since the previous choice of that Power.

Any decision, vote, action, or recommendation of the Executive Council may be made only by seven or more votes.

The Executive Council shall appoint a permanent Secretariat and staff, and may appoint committees chosen either from the Body of Delegates or wholly or partly from specially qualified persons outside of the Body of Delegates, for the study and systematic consideration of the international questions with which the Executive Council may have to deal, or of questions likely to lead to international complications or disputes. The Executive Council shall also take the necessary steps to establish and maintain proper liaison both with the foreign offices of the Contracting Powers and with any governments or agencies which may be acting as mandatories of the League of Nations.

#### ARTICLE III.

The Contracting Powers unite in guaranteeing to each other political independence and territorial integrity; but it is understood between them that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations or present social and political relationships, pursuant to the principle of self-determination, and also such territorial readjustments as may in the judgment of three-fourths of the Delegates be demanded by the welfare and manifest interest of the peoples concerned, may be effected if agreeable to those peoples; and that territorial changes may in equity involve material compensation. The Contracting Powers accept without reservation the principle that the peace of the world is superior in importance to every question of political jurisdiction or boundary.

#### COMMENT

No lengthy discussion of the legal effect of language of guaranty will be attempted. The subject is very highly technical. One of the most famous illustrations is the discussion and doubt as to the guarantee of Luxemburg in the Treaty of May 11, 1867. Perhaps every international lawyer would now agree that a guarantee several in form is more effectual than any other.

But aside from any questions of several, joint or collective guarantees and their proper language, the question of policy presented by this Article in its first sentence is whether the United States should favor a guarantee of independence and integrity of every State by every other State.

Such an agreement would destroy the Monroe Doctrine. Under such an agreement, Germany, as well as the United States and even despite the United States, would have been bound to support Venezuela against Great Britain in 1895. Under such an agreement, Great Britain, France, and Japan might be bound to intervene in Chili or in Peru according to their views of the Tacna-Arica dispute even in addition to intervention by the United States.

Indeed any guaranty of independence and integrity means war

by the guarantor if a breach of the independence or integrity of the guaranteed State is attempted and persisted in.

What the United States has done, is doing and will do for Europe, is enough, without making an unmasked sacrifice of her interests and those of Latin America, by giving up a policy which has prevented the countries south of the Rio Grande from being like Africa, pawns in the diplomacy of Europe.

That each Power should covenant for itself to respect the integrity and independence of every other Power in the League of Nations, and that failure to observe such a covenant should subject the covenant-breaking Power to the sanctions of the League of Nations is undoubted. That policy looks toward the peace of the world and accords with the spirit of a community of nations. But the general policy of a guaranty against the acts of other States looks toward intervention and war by one or more of the guarantors, and is in accord only with the spirit of the old diplomacy.

That the future attitude of the United States and its policy and that of Latin America should not be left to inference but be beyond doubt or question, the constitution of the League of Nations should contain an express recognition of the Monroe Doctrine. Such an express recognition is suggested, in the words of President Monroe, substituting only the word "European" for "extrinsic."

Article III as drawn, proceeds, after the language of guaranty, to state generally that certain territorial readjustments may be effected hereafter.

First: those that become necessary by reason of changes in racial conditions and aspirations or in social and political relationships pursuant to the principle of self-determination.

Second: those that in the judgment of three-fourths of the Delegates may be demanded by the welfare and manifest interest of the peoples concerned, if agreeable to these peoples.

That the territorial adjustments made by the Peace Conference will not satisfy all claims, is the only thing now certain about them. Such general provisions as above mentioned will make that dissatisfaction permanent, will compel every Power to engage in propaganda and will legalize irredentist agitation in at least all of Eastern Europe. It is submitted that the contrary principle should prevail; as the drawing of boundaries according to racial or social conditions is in many cases an impossibility, protection of the rights of minorities and *acceptance of such protection by the minorities* constitute the only basis of enduring peace.

If these views are correct, the clauses in question should be omitted, and the qualifying provision as to material compensation need not be discussed.

The principle stated in the last sentence of Article III "that the peace of the world is superior in importance to every question of political jurisdiction or boundary" is not of universal application. It would not apply, for example, to the political jurisdiction of the United States over the Canal Zone, nor to the change in the

boundary of the United States and Mexico, which was suggested by Germany. Further, and generally, if a country cannot fight for its territorial integrity, why should it be regarded as the subject of guarantees?

The omission of the sentence mentioned is suggested.

#### SUGGESTION

Each Contracting Power severally covenants and guarantees that it will not violate the territorial integrity or impair the political independence of any other Contracting Power.

The Contracting Powers recognize as a binding principle that the American Continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any extrinsic Powers.

#### ARTICLE IV.

The Contracting Powers recognize the principle that the establishment and maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Delegates are directed to formulate at once plans by which such reduction may be brought about. The plan so formulated shall be binding when, and only when, unanimously approved by the Government signatory of this Covenant.

As the basis for such a reduction of armaments all the Powers subscribing to the Treaty of Peace of which this Covenant constitutes a part hereby agree to abolish conscription and all other forms of compulsory military service, and also agree that their future forces of defence and of international action shall consist of militia or volunteers, whose numbers and methods of training shall be fixed, after expert inquiry, by the agreements with regard to the reduction of armaments referred to in the last preceding paragraph.

The Body of Delegates shall also determine for the consideration and action of the several governments what direct military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament and these limits, when adopted, shall not be exceeded without the permission of the Body of Delegates.

The Contracting Powers further agree that munitions and implements of war shall not be manufactured by private enterprise or for private profit, and that there shall be full and frank publicity as to all national armaments and military or naval programmes.

#### COMMENT

##### *First Paragraph:*

No reason is perceived why the formulation of plans for reduction of armaments should not proceed without any require-

ment of prior recommendation by the Executive Council. Accordingly, only verbal changes are suggested.

*Second Paragraph:*

In the first sentence a verbal change is suggested.

The second sentence provides for agreements as to the "numbers and methods of training" of "forces of defence and of international action." It might be disputed whether this includes naval and air forces or not, as both sailors and aviators might well be "volunteers." Accordingly, the words "on land, at sea and in the air" are suggested for insertion.

*Third Paragraph:*

The language of the third paragraph is not so explicit as that of the first, in requiring unanimous approval by the Contracting Powers of the scale of equipment and armament fixed by the Body of Delegates. Verbal changes are suggested to cover this doubt.

The insertion of the words "naval and air" is also suggested.

No reason is perceived why these recommendations of the Body of Delegates should require prior recommendation of the Executive Council. The last sentence gives the Body of Delegates implied power to permit the limits of armaments, etc., unanimously agreed upon by the Contracting Powers, to be exceeded. Perhaps a majority of the Body of Delegates is not intended, but it is submitted that the unanimous agreement of the Powers should not be set aside except by unanimous consent of the Powers, and it is suggested that the clause be omitted.

As the action of the Body of Delegates under this article is only advisory, a clause is suggested permitting it to be taken by majority vote.

A clause prohibiting submarines in warfare is suggested as a beginning of a reduction of naval armaments.

*Fourth Paragraph:*

This paragraph in its first sentence prohibits private manufacture of "munitions and implements of war." These words would probably not include armor-plate, for example, but the language used would certainly include the manufacture of a gun for the United States by the Steel Trust, even at cost.

The United States has no power to prohibit the manufacture of articles within a state. Congress could practically exercise the power, in this regard, by the construction of Government plants, followed by the prohibition of the export of such articles as mentioned; but it is not understood that export shipments are to be prohibited in time of peace, as one Government might sell and ship to another.

The evils of such concerns as Krupps, for example, are admitted; but the desirability of practically compelling such Powers as China to build national munition plants may be doubted.

The present omission of the clause, in view of the study directed to be made of the whole subject, is suggested.

## SUGGESTION

The Contracting Powers recognize the principle that the establishment and maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Body of Delegates are directed to formulate at once plans by which such reduction may be brought about. The plan so formulated shall be binding when, and only when, unanimously approved by the Contracting Powers.

As the basis for such a reduction of armaments, all the Contracting Powers hereby agree to abolish conscription and all other forms of compulsory military service, and also agree that their future forces of defence and of international action, on land, at sea and in the air, shall consist of militia or volunteers, whose numbers and methods of training shall be fixed, after expert inquiry, by the agreements with regard to the reduction of armaments referred to in the last preceding paragraph.

The Body of Delegates shall also determine for the consideration of the Contracting Powers, limits of military, naval and air equipment and armament which shall be fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; these limits shall be binding when, and only when, unanimously approved by the Contracting Powers.

The advisory recommendations of the Body of Delegates under this Article may be made by majority vote.

The Contracting Powers agree never to make use of armed submarines in naval operations, and further agree that they will hereafter build no submarines armed or capable of being armed and further agree that all submarines now in existence or under construction shall be dismantled and rendered incapable of being armed or shall be destroyed.

The Contracting Powers further agree that there shall be full and frank publicity as to all national armaments and military or naval programmes.

## ARTICLE V.

The Contracting Powers jointly and severally agree that, should disputes or difficulties arise between or among them which cannot be satisfactorily settled or adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council of the Body of Delegates or until there has been an award by the arbitrators or a decision by the Executive Council; and that they will not even then resort to armed force as against a member of the League of Nations who complies with the award of the arbitrators or the decision of the Executive Council.

The Powers signatory to this Covenant undertake and agree that whenever any dispute or difficulty shall arise between or among them

with regard to any question of the law of nations, with regard to the interpretation of a treaty, as to any fact which would, if established, constitute a breach of international obligation, or as to any alleged damage and the nature and measure of the reparation to be made therefor, if such dispute or difficulty cannot be satisfactorily settled by the ordinary processes of negotiation, to submit the whole subject-matter to arbitration and to carry out in full good faith any award or decision that may be rendered.

In case of arbitration, the matter or matters at issue shall be referred to three arbitrators, one of the three to be selected by each of the parties to the dispute, when there are but two such parties, and the third by the two thus selected. When there are more than two parties to the dispute, one arbitrator shall be named by each of the several parties and the arbitrators thus named shall add to their number others of their own choice, the number thus added to be limited to the number which will suffice to give a deciding voice to the arbitrators thus added in case of a tie vote among the arbitrators chosen by the contending parties. In case the arbitrators chosen by the contending parties cannot agree upon an additional arbitrator or arbitrators, the additional arbitrator or arbitrators shall be chosen by the Body of Delegates.

On the appeal of a party to the dispute the decision of the arbitrators may be set aside by a vote of three-fourths of the Delegates, in case the decision of the arbitrators was unanimous, or by a vote of two-thirds of the Delegates in case the decision of the arbitrators was not unanimous, but unless thus set aside shall be finally binding and conclusive.

When any decision of arbitrators shall have been thus set aside, the dispute shall again be submitted to arbitrators chosen as heretofore provided, none of whom shall, however, have previously acted as arbitrators in the dispute in question, and the decision of the arbitrators rendered in this second arbitration shall be finally binding and conclusive without right of appeal.

If for any reason it should prove impracticable to refer any matter in dispute to arbitration, the parties to the dispute shall apply to the Executive Council to take the matter under consideration for such mediatory action or recommendation as it may deem wise in the circumstances. The Council shall immediately accept the reference and give notice to the other party or parties, and shall make the necessary arrangements for a full hearing, investigation, and consideration. It shall ascertain all the facts involved in the dispute and shall make such recommendations as it may deem wise and practicable based on the merits of the controversy and calculated to secure a just and lasting settlement. Other members of the League shall place at the disposal of the Executive Council any and all information that may be in their possession which in any way bears upon the facts or

merits of the controversy; and the Executive Council shall do everything in its power by way of mediation or conciliation to bring about a peaceful settlement. The decisions of the Executive Council shall be addressed to the disputants, and shall not have the force of a binding verdict. Should the Executive Council fail to arrive at any conclusion, it shall be the privilege of the members of the Executive Council to publish their several conclusions or recommendations; and such publications shall not be regarded as an unfriendly act by either or any of the disputants.

## COMMENT

As a preliminary to provisions for settlement of disputes, an express covenant to abide by awards or decisions is suggested as a *separate* Article.

*First Paragraph:*

This paragraph provides for *either* arbitration or inquiry before a resort to arms. The alternative is ambiguous, as one Power might wish arbitration and the other inquiry. The real essential is delay and publicity, so that the dispute will become one which can not lead to war, even if it remains undecided. It is submitted that the first requirement should be for inquiry, as in the so-called Peace Treaties of the United States.

Further, the Executive Council is not a body equipped for such inquiry. The Powers concerned always and naturally desire to be represented in the inquiring body, which should be able to meet in any part of the world which the Executive Council could not well do.

Accordingly, a series of paragraphs are suggested which embody the principles, and with some necessary modifications because of the multiple character of the Covenant, the language of the Peace Treaties.

The substance of these provisions is a procedure of inquiry, followed by six months of renewed negotiations, during which periods there is to be no resort to force.

Such provisions of course permit the Parties to resort to any form of arbitration, if they so desire.

The second paragraph provides for "compulsory" arbitration in certain cases, the classes of which are stated. The difficulty with all such classifications is that they are extraordinarily difficult of application. Frequently the parties do not agree as to precisely what the dispute involves, or within what classification of disputes it would fall.

Inquiry serves to clear up such questions and is desirable on that account alone. One natural tendency of such inquiry therefore is to lead to arbitration by consent, in which case the procedure agreed on by the Parties is not material.

But while in form, the second paragraph provides for "compulsory" arbitration (the third, fourth and fifth paragraphs providing for the procedure), the final paragraph of the Article

recognizes that the arbitration must really be voluntary, by the words "if for any reason it should prove impracticable to refer any matter to arbitration." One such reason would be that one or more of the Parties did not consider the dispute one within those agreed to be arbitrated, which would always be the case when one Party did not want arbitration.

It is accordingly submitted that arbitration of disputes should be in form, as in fact, voluntary, as the disputes which will be arbitrated cannot be determined in advance. Further, that inquiry should be necessary in all cases not submitted to arbitration, and that after inquiry, if agreement does not result, the Executive Council should take the dispute under consideration, substantially as provided in the final paragraph of the Article.

Accordingly, the suggestion is that the provisions for so-called "compulsory" arbitration and the procedure thereon be omitted and that the procedure of inquiry and subsequent reference to the Executive Council be adopted as reaching the same results.

Incidentally this would avoid objections which have been successfully raised, and always will be raised in the Senate, to binding and self-operative arbitration treaties.

An additional clause providing for the preservation of rights during dispute by the familiar means of a *modus vivendi* is suggested.

Finally there is suggested a Covenant against hostilities, which goes at least as far as the Covenant in the first paragraph of this Article.

#### SUGGESTION

The Contracting Powers severally covenant that the terms of any award or decision in a dispute to which they are Parties, made by any Arbitral or Judicial Tribunal to which the same has been referred, shall be faithfully and honorably performed.

The Contracting Powers severally Covenant to submit to a Permanent International Commission, for investigation and report, all disputes between them, of every nature whatsoever, which cannot be solved by direct diplomatic negotiation, other than disputes, the settlement of which is in fact achieved upon reference thereof to an arbitral or judicial tribunal; and they likewise covenant not to resort to any act of force or to begin hostilities or to declare war pending the investigation and report of said Commission.

Each Contracting Power shall, by appointment made within one month after ratification by it of this Covenant, designate one Commissioner as a member of the Commission mentioned in the preceding paragraph. Each Contracting Power may remove at any time, before investigation begins, the Commissioner appointed by it, appointing his successor upon the same occasion. Any vacancy shall be filled in the same manner as the original appointment.

The Commission sitting in the investigation of a dispute and

reporting thereon, shall consist of those Commissioners appointed by the Parties to the dispute, together with a like number of Commissioners, chosen, one by each Party, and together with one Commissioner chosen by agreement of the Parties.

Failing any designation, appointment or choice under either of the two preceding paragraphs, such designation, appointment or choice as the case may be shall be made by vote of the Executive Council.

The expenses of the Commission in any investigation and report shall be paid by the Parties to the dispute, in equal proportions.

The Commission, in any investigation and report, shall make their own rules of procedure.

Any decision or conclusion of the Commission and the terms of its report shall be adopted by a majority thereof.

In case of failure to agree upon the diplomatic solution of a dispute the Contracting Powers, Parties to the dispute, shall submit it to said Commission for investigation and report. The convocation of the Commission may be made by any Party. The Commission shall by preference sit in the country in which there are the greater facilities for the investigation, and the Contracting Powers shall furnish all the means and facilities required for the investigation and report. The report of the Commission shall be presented within a year counted from the date at which the Commission shall declare, by a declaration filed with the Secretariat of the League of Nations, that its work is begun, unless a prolongation of the time shall be accorded by the Parties. This report, which is purely advisory and does not bind the Parties as to any questions at issue, shall be prepared in various originals, one of which shall be presented to each of the Parties and the other shall be presented to the Executive Council.

After presentation of the report mentioned in the preceding paragraph, six months' time will be given to renewed negotiations in order to bring about a solution of the question in view of the findings of said report; and if after this new term the Parties should be unable to reach a friendly arrangement, they will proceed to submit the dispute to arbitration under the terms of any convention in force between them which they agree covers the question or questions investigated; if not so submitted to arbitration, and thereby amicably adjusted, any Party may proceed to submit the dispute to the Executive Council for consideration during a period of three months, for such mediatory action or recommendation as the Executive Council may deem wise in the circumstances. The Executive Council shall immediately accept the reference and give notice to the other Party or Parties, and shall make the necessary arrangements for a full hearing, investigation and consideration. The Executive Council shall ascertain all the facts involved in the dispute and shall make such recommendations as it may deem wise and practicable based on the merits of the controversy and calculated to secure a just and lasting settlement. Other members of the League shall place at the disposal of the Executive Council any and all information that may be in

their possession which in any way bears upon the facts or merits of the controversy, and the Executive Council shall do everything in its power by way of mediation or conciliation to bring about a peaceful settlement. The recommendations of the Executive Council shall be addressed to the disputants, and shall not have any binding force. Should the Executive Council fail to arrive at any conclusion, it shall be the privilege of the members of the Executive Council to publish their several conclusions or recommendations; and such publications shall not be regarded as an unfriendly act by either or any of the disputants.

The Contracting Powers severally covenant that while Parties to a dispute which is pending, and during the periods mentioned in the two preceding paragraphs, they will not do or omit any act the commission or omission of which would tend to prejudice the position or final rights of any other Party to the dispute, and that the terms of a *modus vivendi* shall be agreed upon, preserving the rights of the Parties, pending and until the final determination of the dispute. In any case where the Parties are unable to agree upon the terms of such a *modus vivendi*, the terms thereof shall be formulated by the Commission and a *modus vivendi* embodying these terms shall be executed by the Parties and carried out by them in good faith.

The Contracting Powers severally covenant that while Parties to a dispute submitted to the Commission or under consideration by the Executive Council they will not commit any hostile act or commence hostilities or declare war against any other Party thereto; and the Contracting Powers further severally covenant that in no case will they commit any hostile act or commence hostilities or declare war against a Contracting Power which complies with the award of an Arbitral or Judicial Tribunal, or with the recommendations of the Executive Council.

#### ARTICLE VI.

Should any Contracting Power break or disregard its covenants under ARTICLE V, it shall thereby *ipso facto* become at war with all the members of the League, which shall immediately subject it to a complete economic and financial boycott, including the severance of all trade or financial relations, the prohibition of all intercourse between their subjects and the subjects of the covenant-breaking State, and the prevention, so far as possible, of all financial, commercial, or personal intercourse between the subjects of the covenant-breaking State and the subjects of any other State, whether a member of the League of Nations or not.

It shall be the privilege and duty of the Executive Council of the Body of Delegates in such a case to recommend what effective military or naval force the members of the League of Nations shall severally contribute, and to advise, if it should think best, that the smaller members of the League be excused from making any contribution to the armed forces to be used against the covenant-breaking State.

The covenant-breaking State shall, after the restoration of peace, be subject to perpetual disarmament and to the regulations with regard to a peace establishment provided for new States under the terms of SUPPLEMENTARY ARTICLE 3.

#### COMMENT

##### *First Paragraph:*

This Article provides by way of sanction for the breach of any covenant under the preceding Article, for an *ipso facto* war by all other members of the League upon the covenant-breaking State.

Doubtless the covenants referred to are those against committing hostilities, although there are covenants of another nature in the preceding Article as drawn.

A substantial objection to such a provision is that it would be void if contained in a treaty of the United States, as Congress under the Constitution has the power to declare war. A war automatically arising upon a condition subsequent, pursuant to a treaty provision, is not a war declared by Congress.

It is not doubted that by treaty the United States could agree to *declare* war under certain circumstances. If the circumstances arose, the failure of Congress to declare war would be a breach of the treaty; provisions of such nature are frequently found in treaties of alliance, which are within the treaty-making clause of the Constitution.

What may be called the embargo provisions of this paragraph of the Article are extended to the prevention of intercourse between the covenant-breaking state and neutrals. This would be going further than either side did in the present war, and it would amount to an abolition of the rights in time of war of a state which was neutral, but not a member of the League of Nations.

Perhaps it would be suggested that such a boycott might extend at least to the covenant-breaking state without war. The same distinction would apply in respect of such provisions as mentioned in the case of war. The automatic boycott to arise upon conditions subsequent would be void; but an agreement of the United States to create such a boycott would be a good agreement which would leave it to Congress to comply with the terms of the treaty by passing the necessary legislation, or to omit to pass such legislation, and thus refuse to comply.

There are three reasons why the United States should not even enter into an agreement to declare war on a breach of the covenant of the League of Nations: First, no small State with a powerful neighbor would dare to make such an agreement, and such an agreement would almost certainly be broken by any state in which public sentiment did not support a declaration of war at the time. Second, such an agreement might create in fact an alliance between the United States and European or Asiatic Powers against one or more states of South America. Third, admittedly a State acting in bad faith or under great popular excitement, might defy the other members of the League, but the provisions of its constitution

should be so drawn as to compel such a State to defy the rest of the world, and thus bring into play against it the real sanction of any League of Nations, namely the public opinion of the world. Any attempt to have war result from agreement in advance, and then to get public opinion to support it, is putting the cart before the horse.

It would seem that the farthest step which can now be taken in the direction of a sanction is to declare that any act of force in violation of the constitution of the League shall be deemed an act hostile to all other members of the League, and that all official relations between the members of the League and the offending Power shall cease. Such provision would present to the members of the League the question as to what steps each would take in respect of such an hostile act. Regardless of any words on paper, this would be the real situation which would be presented in any event. Every state whose people believed that they should not declare war under such circumstances would decline to do so regardless of any treaty provisions.

There is another question in this connection which is of the utmost importance. Whatever steps are to be taken upon the violation of the essential covenants of the League, a preliminary question must always be decided, and that is, who is to judge, and how is it to be judged, whether the covenants of the League have or have not been broken. Suppose each of the two Powers to a dispute claimed that the other had committed the first act of aggression; such claims are customary, the latest instance being the fabled aggressions of France against Germany early in August, 1914.

Proper provisions for the determination of such questions are not only of the utmost practical importance, but are of great difficulty. As a basis for consideration the paragraph drafted in the suggestions commits the decision to the Body of Delegates, but with power to act only in accordance with the recommendation of the Executive Council.

#### *Second and Third Paragraphs:*

The second paragraph of the Article as drawn would fall with the provisions for an *ipso facto* war, and this is also necessarily true of the third paragraph.

#### SUGGESTION

A breach by any contracting Power of any covenant contained in the preceding article shall constitute and be deemed an act hostile to all other contracting Powers, and they shall forthwith sever all consular and diplomatic relations with the offending Power. Any such breach of any covenant contained in the preceding article shall further suspend the obligation of all covenants in favor of the offending Power contained in this agreement and also in all treaties, conventions and other agreements theretofore entered into between the offending Power and all other contracting Powers.

No act of a Contracting Power shall be deemed, under the

preceding article, a breach of Covenant, unless determined to be such by vote of the Executive Council, approved by majority vote of the body of delegates. Any such vote of the Executive Council shall determine not only the fact, but the date of such breach of covenant, and shall, when approved by majority vote of the body of delegates as aforesaid be conclusive upon all the contracting Powers.

#### ARTICLE VII.

If any Power shall declare war or begin hostilities, or take any hostile step short of war, against another Power before submitting the dispute involved to arbitrators or consideration by the Executive Council as herein provided, or shall declare war or begin hostilities, or take any hostile step short of war, in regard to any dispute which has been decided adversely to it by arbitrators chosen and empowered as herein provided, the Contracting Powers hereby bind themselves not only to cease all commerce and intercourse with that Power but also to unite in blockading and closing the frontiers of that Power to commerce or intercourse with any part of the world and to use any force that may be necessary to accomplish that object.

#### COMMENT

Pursuant to these views the suggestion is that the Article be acts to which the sanctions named in this article would apply, would substantially receive sanctions under the previous provisions suggested. The sanctions of this Article would amount to war, although not called war.

Pursuant to these views the suggestion is that the Article be omitted.

#### ARTICLE VIII.

Any war or threat of war, whether immediately affecting any of the Contracting Powers or not, is hereby declared a matter of concern to the League of Nations and to all the Powers signatory hereto, and those Powers hereby reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the nations signatory or adherent to this Covenant to draw the attention of the Body of Delegates to any circumstances anywhere which threaten to disturb international Peace or the good understanding between nations upon which peace depends.

The Delegates shall meet in the interest of peace whenever war is rumored or threatened, and also whenever the Delegate of any Power shall inform the Delegates that a meeting and conference in the interest of peace is advisable.

The Delegates may also meet at such other times and upon such other occasions as they shall from time to time deem best and determine.

## COMMENT

Only verbal changes are suggested in this Article.

There appears to be no reason why the times of the meetings of the Body of Delegates should not be determined by their majority vote without the necessity of recommendation by the Executive Council.

## SUGGESTION

Any war or threat of war, whether immediately affecting any of the Contracting Powers or not, is hereby declared a matter of concern to the League of Nations and to all the Contracting Powers, and the Contracting Powers hereby reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the Contracting Powers to draw the attention of the Body of Delegates to any circumstance anywhere, which threatens to disturb international peace or the good understanding between nations upon which peace depends.

The Body of Delegates shall meet in the interest of peace whenever war is rumored or threatened and also whenever the representative of any Power shall inform the Body of Delegates that a meeting and conference in the interest of peace is advisable.

The Body of Delegates may also meet at such other times and upon such other occasions as they shall from time to time, by majority vote, deem best and determine.

## ARTICLE IX.

In the event of a dispute arising between one of the Contracting Powers and a Power not a party to this Covenant, the Contracting Power involved hereby binds itself to endeavor to obtain the submission of the dispute to judicial decision or to arbitration. If the other Power will not agree to submit the dispute to judicial decision or to arbitration, the Contracting Power shall bring the matter to the attention of the Body of Delegates. The Delegates shall in such a case, in the name of the League of Nations, invite the Power not a party to this Covenant to become *ad hoc* a party and to submit its case to judicial decision or to arbitration, and if that Power consents it is hereby agreed that the provisions hereinbefore contained and applicable to the submission of disputes to arbitration or discussion shall be in all respects applicable to the dispute both in favor of and against such Power as if it were a party to this Covenant.

In case the Power not a party to this Covenant shall not accept the invitation of the Delegates to become *ad hoc* a party, it shall be the duty of the Executive Council immediately to institute an inquiry into the circumstances and merits of the dispute involved and to recommend such joint action by the Contracting Powers as may seem best and most effectual in the circumstances disclosed.

## COMMENT

This article is too favorable to a non-member Power. It requires a member of the League to arbitrate or submit to judicial decision, *every* dispute with an outside Power; this goes further than the provisions regarding disputes between members.

The paragraph suggested in lieu of the Article simply permits a non-member Power to become a Contracting Power *ad hoc*, which is itself a great privilege to a Power not in the League.

## SUGGESTION

In the case of a dispute in which both a Contracting Power and a non-Contracting Power are parties, if each non-Contracting Power concerned shall consent by a declaration in writing, delivered to the Executive Council, to be deemed *ad hoc* a Contracting Power, all provisions in this Covenant regarding disputes between or among Contracting Powers shall be applicable.

## ARTICLE X.

If hostilities should be begun or any hostile action taken against the Contracting Power by the Power not a party to this Covenant before a decision of the dispute by arbitrators or before investigation, report and recommendation by the Executive Council in regard to the dispute, or contrary to such recommendation, the Contracting Power shall thereupon cease all commerce and communication with that Power and shall also unite in blockading and closing the frontiers of that Power to all commerce or intercourse with any part of the world, employing jointly any force that may be necessary to accomplish that object. The Contracting Powers shall also unite in coming to the assistance of the Contracting Power against which hostile action has been taken, combining their armed forces in its behalf.

## COMMENT

Reference is made to the previous discussion regarding sanctions. With the view of establishing a procedure which would put the moral force of the League of Nations and the opinion of the world behind a Member Power in a dispute with a non-member Power, the paragraph suggested in lieu of this Article permits the course of action of the Member Power to be wholly determined by the League of Nations and subsequent measures to be taken after joint consultation.

## SUGGESTION

In case of hostilities threatened or commenced between a Contracting Power and a non-Contracting Power, the Contracting Power concerned may entrust its interest to the League of Nations; in such case the course of action of that Contracting Power shall be determined by majority vote of the Body of Delegates in accordance with recommendations of the Executive Council, and the

Contracting Powers agree through the Body of Delegates to exchange views as to the measures which may be necessary on the part of any of them to support and protect that course of action.

#### ARTICLE XI.

In case of a dispute between states not parties to this Covenant, any Contracting Power may bring the matter to the attention of the Delegates, who shall thereupon tender the good offices of the League of Nations with a view to the peaceable settlement of the dispute.

If one of the states, a party to the dispute, shall offer and agree to submit its interests and cause <sup>1</sup> of action wholly to the control and decision of the League of Nations, that state shall *ad hoc* be deemed a Contracting Power. If no one of the states, parties to the dispute, shall so offer and agree, the Delegates shall, through the Executive Council, of their own motion take such action and make such recommendation to their governments as will prevent hostilities and result in the settlement of the dispute.

#### COMMENT

##### *First Paragraph:*

A majority vote of the Body of Delegates should be sufficient to tender good offices in the case of a dispute between outside Powers, and a provision to that effect is suggested as a change in the first paragraph.

##### *Second Paragraph:*

The second paragraph is too favorable to outside Powers as it gives them the advantages of membership without responsibility. The covenants of the Members of the League should not automatically apply in favor of an outside Power at its option, but their application should depend upon the wishes at the time of the Member Powers. Accordingly, the omission of the second paragraph is suggested.

#### SUGGESTION

In case of a dispute between States not parties to this Covenant, any Contracting Power may bring the matter to the attention of the Body of Delegates who may thereupon by majority vote tender the good offices of the League of Nations with a view to the peaceful settlement of the dispute.

#### ARTICLE XII.

Any Power not a party to this Covenant, whose government is based upon the principle of popular self-government, may apply to the Body of Delegates for leave to become a party. If the Delegates shall regard the granting thereof as likely to promote the peace, order, and security of the World, they may act favorably on the application,

<sup>1</sup> Error for "course."

and their favorable action shall operate to constitute the Power so applying in all respects a full signatory party to this Covenant. This action shall require the affirmative vote of two-thirds of the Delegates.

#### COMMENT

In this Article a specific provision for a favorable recommendation by the Executive Council is inserted.

Otherwise the changes suggested are verbal.

#### SUGGESTION

Any Power not a party to this Covenant, whose government is based upon the principle of popular self-government, may apply to the Body of Delegates for leave to become a party. If the Body of Delegates shall regard the granting thereof as likely to promote the peace, order, and security of the World, they may act favorably on the application, and their favorable action, after favorable recommendation thereof by the Executive Council, shall operate to constitute the Power so applying, in all respects a Contracting Power. This action shall require the affirmative vote of two-thirds of the Body of Delegates.

#### ARTICLE XIII.

The Contracting Powers severally agree that the present Covenant and Convention is accepted as abrogating all treaty obligations *inter se* which are inconsistent with the terms hereof, and solemnly engage that they will not enter into any engagements inconsistent with the terms hereof.

In case any of the Powers signatory hereto or subsequently admitted to the League of Nations shall, before becoming a party to this Covenant, have undertaken any treaty obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

#### COMMENT

Only a verbal change for conformity is suggested.

#### SUGGESTION

The Contracting Powers severally agree that the present Covenant is accepted as abrogating all treaty obligations *inter se* which are inconsistent with the terms hereof, and solemnly engage that they will not enter into any engagements inconsistent with the terms hereof.

In case any of the Powers signatory hereto or subsequently admitted to the League of Nations shall, before becoming a party to this Covenant, have undertaken any treaty obligations which are inconsistent with the terms of this Covenant, it shall be the

duty of such Power to take immediate steps to procure its release from such obligations.

#### SUPPLEMENTARY AGREEMENTS

##### I.

In respect of the peoples and territories which formerly belonged to Austria-Hungary, and to Turkey, and in respect of the colonies formerly under the dominion of the German Empire, the League of Nations shall be regarded as the residuary trustee with sovereign right of ultimate disposal or of continued administration in accordance with certain fundamental principles hereinafter set forth; and this reversion and control shall exclude all rights or privileges of annexation on the part of any Power.

These principles are, that there shall in no case be any annexation of any of these territories by any State either within the League or outside of it, and that in the future government of these peoples and territories the rule of self-determination, or the consent of the governed to their form of government shall be fairly and reasonably applied, and all policies of administration or economic development be based primarily upon the well-considered interests of the people themselves.

#### COMMENT

##### *First Paragraph:*

This paragraph should not apply to Austria-Hungary. Part of its territory will belong to Bohemia, which is already recognized as a sovereign State. Part of it will be annexed to Roumania, part to Italy, and some territories will doubtless become a portion of the new South Slav State. Furthermore, part of Galicia will be included in Poland. It is difficult to see what portions of the former territory of Austria-Hungary would be subject to the League of Nations, with the exception of German Austria and perhaps Eastern Galicia.

Attention is called to the fact that one of the German Colonies is Kiau-Chau, which according to reports, Japan is willing to give up to China.

The suggestion therefore is that the language shall not apply to Austria-Hungary, and that an exception to the general language regarding the German Colonies should be made as to Kiau-Chau.

##### *Second Paragraph:*

The change suggested in the second paragraph is striking out the words, "self-determination or," so that the language would read: "the rule of the consent of the governed to their form of government, etc." This rule as last stated is an American principle, whereas the rule of self-determination is one of very limited application and of practically no application at all in such territories as Turkey and the German Colonies. It is to be pointed

out that the rule of self-determination would prevent the establishment of a Jewish State in Palestine, and would prevent the establishment of any autonomous Armenia, which is a country in which the Armenians are in a decided minority.

#### SUGGESTION

In respect of the peoples and territories which formerly belonged to Turkey, and in respect of the colonies formerly under the dominion of the German Empire (except Kiau-Chau), the League of Nations shall be regarded as the residuary trustee with sovereign right of ultimate disposal or of continued administration in accordance with certain fundamental principles hereinafter set forth; and this reversion and control shall exclude all rights or privileges of annexation on the part of any Power.

These principles are, that there shall in no case be any annexation of any of these territories by any State either within the League of Nations or outside of it, and that in the future government of these peoples and territories the rule of the consent of the governed to their form of government shall be fairly and reasonably applied, and all policies of administration or economic development be based primarily upon the well-considered interests of the people themselves.

#### II.

Any authority, control, or administration which may be necessary in respect of these peoples or territories other than their own self-determined and self-organized autonomy shall be the exclusive function of and shall be vested in the League of Nations and exercised or undertaken by or on behalf of it.

It shall be lawful for the League of Nations to delegate its authority, control, or administration of any such people or territory to some single State or organized agency which it may designate and appoint as its agent or mandatory; but whenever or wherever possible or feasible the agent or mandatory so appointed shall be nominated or approved by the autonomous people or territory.

#### COMMENT

No change is suggested.

#### III.

The degree of authority, control, or administration to be exercised by the mandatory State or agency shall in each case be explicitly defined by the League of Nations in a special Act or Charter which shall reserve to the League of Nations complete power of supervision and of intimate control, and which shall also reserve to the people of any such territory or governmental unit the right to appeal to the League of Nations for the redress or correction of any breach

of the mandate by the mandatory State or agency or for the substitution of some other State or agency, as mandatory.

The mandatory State or agency shall in all cases be bound and required to maintain the policy of the open door and equal opportunity for all the signatories to this Covenant, in respect of the use and development of the economic resources of such people or territory.

The mandatory State or agency shall in no case form or maintain any military or naval force in excess of definite standards laid down by the League itself for the purposes of internal police.

#### COMMENT

##### *First Paragraph:*

Only verbal changes are suggested.

##### *Second Paragraph:*

It is not perceived why the policy of the open door should be limited to the members of the League of Nations in respect of the territories in question, and a modification is suggested accordingly.

##### *Third Paragraph:*

Only verbal changes are suggested.

##### *Supplementary Paragraph:*

There are no provisions as to the procedure by which the authority of the League of Nations over its mandatories, etc., is to be exercised by majority vote of the Body of Delegates upon recommendation by the Executive Council. It is suggested in such cases that it may act by majority vote in order that some action may probably be taken.

#### SUGGESTION

The degree of authority, control, or administration to be exercised by the mandatory State or agency shall in each case be explicitly defined by the League of Nations in a special Act or Charter which shall reserve to the League of Nations complete power of supervision and of intimate control, and which shall also reserve to the people of any such territory or governmental unit the right to appeal to the League of Nations for the redress or correction of any breach of the mandate by the mandatory State or agency or for the substitution of some other State or agency, as mandatory.

The mandatory State or agency shall in all cases be bound and required to maintain the policy of the open door and equal opportunity in respect of the use and development of the economic resources of such people or territory.

The mandatory State or agency shall in no case form or maintain any military or naval force within such territory in excess of definite standards laid down by the League of Nations itself for the purposes of internal police.

Under this and the two preceding Articles any action or authority of the League of Nations will be exercised by majority vote

of the Body of Delegates upon recommendation to that effect by the Executive Council. Any such recommendation of the Executive Council may, notwithstanding the provisions of original Article 2, be made by five or more votes.

#### IV.

No new State arising or created from the old Empires of Austria-Hungary or Turkey shall be recognized by the League or admitted into its membership except on condition that its military and naval forces and armaments shall conform to standards prescribed by the League in respect of it from time to time.

As successor to the Empires, the League of Nations is empowered, directly and without right of delegation, to watch over the relations *inter se* of all new independent States arising or created out of the Empires, and shall assume and fulfil the duty of conciliating and composing differences between them with a view to the maintenance of settled order and the general peace.

#### COMMENT

##### *First Paragraph:*

Aside from the original members of the League of Nations, it is difficult to see how any new state could arise from the Empire of Austria-Hungary, with the possible exception of German Austria. No reason is perceived how the language regarding the military and naval forces and armaments of new states should not be general, that is not limited to those arising from Austria-Hungary or Turkey; and a change to that effect is suggested.

##### *Second Paragraph:*

For a somewhat similar reason it is suggested that the second paragraph be omitted. Surely the League of Nations is not successor to the Empire of Austria-Hungary. It would perhaps be desirable if the League of Nations could watch over the relations *inter se* of the Balkan States, but this is apparently not attempted, and it is difficult to see how such a result could be achieved.

#### SUGGESTION

No new State shall be recognized by the League of Nations or admitted into its membership except on condition that its military and naval forces and armament shall conform to standards prescribed by the League of Nations in respect of it from time to time.

#### V.

The Powers signatory or adherent to this Covenant agree that they will themselves seek to establish and maintain fair hours and

humane conditions of labor for all those within their several jurisdictions who are engaged in manual labor and that they will exert their influence in favor of the adoption and maintenance of a similar policy and like safeguards wherever their industrial and commercial relations extend.

#### COMMENT

This paragraph standing alone would be a great disappointment to Labor, as it is little more than a pious wish. Admittedly the position of the United States in respect of international agreements as to Labor is an extremely difficult one. This difficulty is greatly increased by the highly unfortunate decision of the Supreme Court in the Child Labor cases, a decision upon which patient comment would be difficult. Because of this very decision any suggestions of the United States regarding agreements as to Labor will naturally be met with doubt as to their reality. The clauses suggested have been drawn simply as a basis for discussion.

#### VI.

The League of Nations shall require all new States to bind themselves as a condition precedent to their recognition as independent or autonomous States, to accord to all racial or national minorities within their several jurisdictions exactly the same treatment and security, both in law and in fact, that is accorded the racial or national majority of their people.

#### COMMENT

The purpose of this Article is beneficent, but it is submitted that general treatment is impossible. Doubtless equal religious and cultural privileges should be accorded in all cases, but it is impossible to suppose that all racial minorities can be entitled, for example, to have their languages used in official records. In the case of several small minorities in one country this would be impracticable even locally.

While no change in the Article is suggested, the thought is that it should be followed by additional and more specific provisions varying according to the conditions not only in New States, but in some of the older ones, of which Bulgaria is an example.

#### SUGGESTION

The League of Nations shall require all new States to bind themselves as a condition precedent to their recognition as independent or autonomous States, to accord to all racial or national minorities within their several jurisdictions exactly the same treatment and security, both in law and in fact, that is accorded the racial or national majority of their people.

## FURTHER SUGGESTIONS OF ADDITIONAL ARTICLES

*Open Records of the League of Nations.*

The archives and correspondence of the Executive Council and of the Body of Delegates shall be open at all times to every Contracting Power.

*Freedom of the Seas and of the Air.*

Any interference with a vessel on the high seas, or with aircraft proceeding over the high seas, which interference is not affirmatively sanctioned by the law of nations, shall be deemed an impairment of political independence within the terms of original Article III.

It is suggested that any breach of the covenants in the first paragraph suggested for original Article III shall be determined in the same manner and have the same effect as is provided in the suggestions relating to Article VI.

*Legislation in International Law—Ad Referendum.*

The Body of Delegates shall from time to time consider, and by majority vote recommend, to the respective Contracting Powers for approval declarations of rules and principles of the law of nations.

*Four Paragraphs for Open Diplomacy.*

Every Treaty and every International Agreement to which a Contracting Power is a party, and which is in force at the date of the signature of this Agreement, and which has not heretofore been made public in its entirety, shall within six months after the date of signature of this Covenant be made public in its entirety, or shall otherwise be and be deemed abrogated.

Every treaty and every other International Covenant hereafter made, to which any Contracting Power shall be a party, shall be made public in its entirety within not more than thirty days after the same shall become binding, or shall otherwise be and be deemed abrogated.

The provisions of the two foregoing paragraphs shall not apply to a Treaty or other international Covenant made by a Contracting Power while engaged in war, in which case the treaty or other International Covenant shall be made public in its entirety within not more than thirty days after the conclusion of peace or shall otherwise be and be deemed abrogated.

Within the terms of the three foregoing paragraphs a Treaty or other International Covenant shall be deemed to have been made public in its entirety only when a true and complete copy thereof shall have been filed with the Secretariat of the League of Nations.

## FURTHER COMMENT AND SUGGESTIONS

One part of the American program is Equality of Trade Conditions.

The following Declaration in the form previously submitted to the Commission is suggested.

Provisions for an International Trade Commission are regarded as desirable, and perhaps even an essential part for a declaration of this character, but such provisions have not yet been drafted.

(Here followed the American Draft Declaration for Equality of Trade Conditions, for which see Document 4.)

**Suggestions of General Tasker H. Bliss, January 14, 1919,  
Regarding Wilson's First Paris Draft**

SUGGESTIONS IN REGARD TO THE DRAFT OF THE COVENANT

1. Preamble. There are some people who may be frightened at the use of the words "in order to secure . . . . an orderly government." They may regard this as a suggestion of the possible use of the League of Nations to put down internal disorders wherever they occur. As the one essential object of the League of Nations is to prevent international war, and as the prevention of such war will be secured by the doing of the things set forth in the preamble, and as the prevention of such war results in security and will have the greatest tendency to produce orderly government, it is suggested for consideration that the first line of the preamble might read as follows:

"In order to prevent future international wars by the prescription of," etc., etc.

2. The idea in the word "Covenant" is so good that it is suggested that it be adhered to in the subsequent phraseology, notwithstanding the repetition that will necessarily result. Thus, it is suggested, that the words, "Contracting Powers" be made to read "Covenanting Powers"; and that, wherever the word "agreement" (referring to the constitution of the League of Nations) is used, it be replaced by the word "covenant."

3. It is suggested that there should be a positive declaration to provide against secret treaties. In no other way can the League be assured that an alliance may not be formed within itself, with tendency adverse to the peace of the world. It is suggested that the right of the League to scrutinize individual treaties should be confined to the object of determining whether the treaty is for the purpose of effecting a private alliance.

4. Article III. In the second line, after the word "integrity," insert the words "as against external aggression."

Do the words, which appear in Article III, "and also such territorial readjustments as may in the judgment of three-fourths of the Delegates be demanded by the welfare and manifest interest of the peoples concerned," contemplate the possibility of the League of Nations being called upon to consider such questions as the independence of Ireland, of India, etc., etc.?

5. Article IV. It does not seem that so important a matter as the reduction of national armaments should be liable to a veto by the action of, possibly, one small power. All hope of disarmament consists in the action of the Great Powers. Until they agree

to some disarmament there is no use in talking about the matter. When they should agree to disarm, they might well be permitted to exercise such pressure as they, in agreement, should think practicable in order to compel general disarmament.

6. Article v. It would seem that some time limit, say one year, might well be fixed, within which an award by the arbitrators or a decision by the Executive Council must be rendered.

In clause 4 of Article v, should there not be some limits imposed on the right of appeal?

In the first sentence of clause 6 of Article v appear the words, "the parties to the dispute shall apply to the Executive Council," etc., etc. In the second sentence of the same clause appear the words, "the Council shall immediately accept the reference and give notice to the other party or parties," etc., etc. It appears that a change in these wordings is necessary.

7. Article vi. Is it the intent of this article to provide two steps, instead of one, in order to bring about the full status of international war? Is it intended that, first of all, there shall be a complete diplomatic, economic and financial pressure exerted, and that only in case this fails in attaining its object there shall be a resort to hostile acts of war as contemplated in the second clause of Article vi? If the latter be the intent, it is to be noted that the breaching Power, being at war with the League, may immediately use its land and naval forces against the League, while the latter must wait for a recommendation from the Executive Council before the several members of the League know what military and naval forces they are to contribute.

In the third clause of Article vi, omit the words "to perpetual disarmament and"; and change the figure 3 to the figure 4.

8. In regard to Articles vi and vii, it is again suggested that a careful consideration be given to seeing whether a form of words cannot be used that will largely accomplish the object in view, without appearing, in the mind of anyone, to yield (with respect to the United States) to the League of Nations powers which are vested in the American Congress.

9. Article x. This article relates to a dispute between a Contracting Power and a Power which is not a party to this Covenant. The Article provides for action only in the case when the Power not a party to this Covenant "takes hostile action against one of the Contracting Powers before a decision of the dispute by arbitrators or before investigation, report and recommendation by the Executive Council in regard to the dispute, or contrary to such recommendation." There is no assumption that the Contracting Power itself may be in the wrong, and it is provided that all of the other Contracting Powers shall come to the assistance of the Contracting Powers against which hostile action has been taken. How shall we

provide for the case where the enlightened sense of the world holds the Contracting Power itself to be in the wrong?

It would seem that careful note should be taken of the possibility of a "Dred Scott" decision being made by the tribunal of the League of Nations.

10. Article XI. Under the second clause of Article XI, there is the same possibility of the difficulty which may occur under Article X. Two nations not Covenanting Powers may have a dispute. One of them, which is in the wrong, offers to submit its interests to the decision of the League of Nations. This State immediately becomes, for the purpose of the dispute, one of the Contracting Powers; and as such, the League is bound to support it, right or wrong, as would be the case under Article X.

11. Article XII. Change the word "may" at the end of the fourth line of this Article to the word "shall."

#### SUPPLEMENTARY AGREEMENTS

1. Article I. It would seem desirable to avoid phraseology that would give color to the idea that the proposed League of Nations has for one of its principal objects the control of situations growing out of the present war. If it is possible to avoid the use of the names "Austria-Hungary" and "Turkey" and "the German Empire" it is believed that it would be better.

2. Under the Supplementary Agreements, is it obligatory upon one of the Covenanting Powers to accept the functions of "agent or mandatory" appointed by the League of Nations, or may it decline to exercise this function?

3. What financial obligations are imposed upon a mandatory which accepts its functions as such? It is evident that a mandatory must establish a quasi supervising government of its own. It must appoint some one who will be its local director, and this latter must have a large staff of assistants. If the people of the United States accept this general proposition, they will have an interest in knowing the expense to which they may be subjected. It is easily possible that the representative or agent of the mandatory cannot perform his functions without the support of a powerful military force. Will the United States, for example, be expected to maintain in some foreign country an armed force of their own in order to perform their functions as mandatory?

The sole object of the proposition of General Smuts is to bring the United States into line with Great Britain in exercising supervisory control over certain areas of the earth. The people of the United States will understand that a great burden is contemplated to be thrust upon them by this plan. It is believed that to secure good chance of acceptance by the United States these things should

be made clear, or else it should be made clear that no state can be made a mandatory without its own cordial consent.

In the third clause of Article III, it should be made clear that the mandatory state is not to maintain a military force, of *native* troops, in the state of which it is the mandatory, in excess of the standard laid down by the League. This provision in General Smuts' plan is evidently to prevent a nation, acting as mandatory over a densely populated area, from there raising a great military force *under the guise of internal police*, which might be used by the mandatory in case of a war outside of this area.

4. In the first clause of Article IV, the provision with respect to conformity to certain standards as to military and naval forces might well be made to apply to all states entering the League after the date of its creation, instead of making them simply apply to territories of the former empires of Austria-Hungary and of Turkey. This will assist in avoiding the giving of the League of Nations the appearance of being a new form of the old Holy Alliance.

It is not improbable that before the League of Nations can become an accomplished fact, it may be quite as desirable "to watch over the relations *inter se*" of all new and independent states arising or created out of the empires of Russia and Germany as it is to do so over the states created out of Austria-Hungary or Turkey. It would seem that this may be an additional reason for omitting, if possible, reference to any existing or formerly existing state *by name*.

## Document 9

### Wilson's Third Draft or Second Paris Draft, January 20, 1919.

[Like the Paris print, this Document is set in 8 pt. type and is reproduced page for page and line for line.]

## COVENANT

### PREAMBLE

In order to secure international peace and security by the prescription of open, just, and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, and in order to promote international cooperation, the Powers signatory to this covenant and agreement jointly and severally adopt this constitution of the League of Nations.

### ARTICLE I.

The action of the Signatory Powers under the terms of this covenant shall be effected through the instrumentality of a Body of Delegates which shall consist of the ambassadors and ministers of the contracting Powers accredited to H. and the Minister for Foreign Affairs of H. The meetings of the Body of Delegates shall be held at the seat of government of H. and the Minister of Foreign affairs of H. shall be the presiding officer of the Body.

Whenever the Delegates deem it necessary or advisable, they may meet temporarily at the seat of government of B. or of S., in which case the Ambassador or Minister to H. of the country in which the meeting is held shall be the presiding officer *pro tempore*.

It shall be the privilege of any of the contracting Powers to assist its representative in the Body of Delegates by any method of conference, counsel, or advice that may seem best to it, and also to substitute upon occasion a special representative for its regular diplomatic representative accredited to H.

### ARTICLE II.

The Body of Delegates shall regulate their own procedure and shall have power to appoint such committees as they may deem necessary to inquire into and report upon any matters that lie within the field of their action.

It shall be the right of the Body of Delegates, upon the initiative of any member, to discuss, either publicly or privately as it may deem best, any matter lying within the jurisdiction of the League of Nations as defined in this covenant, or any matter likely to affect the peace of the world; but all actions of the Body of Delegates taken in the exercises of the functions and powers granted to them under this Covenant shall be formulated and agreed upon by an Executive Council, which shall act either by reference or upon its own initiative and which shall consist of the representatives of the Great Powers, together with representatives drawn in annual rotation from two panels, one of which shall be made up of the representatives of the States ranking next after the Great Powers and the other of the representatives of the Minor States (a classification which the Body of Delegates shall itself establish and may from time to time alter), such a number being drawn from these panels as will be but one less than the representa-

tives of the Great Powers; and three or more negative votes in the Council shall operate as a veto upon any action or resolution proposed.

All resolutions passed or actions taken by the Executive Council, except those adopted in execution of any direct powers herein granted to the Body of Delegates themselves, shall have the effect of recommendations to the several governments of the League.

The Executive Council shall appoint a permanent Secretariat and staff and may appoint joint committees, chosen from the Body of Delegates or consisting of specially qualified persons outside of that Body, for the study and systematic consideration of the international questions with which the Council may have to deal, or of questions likely to lead to international complications or disputes. It shall also take the necessary steps to establish and maintain proper liaison both with the foreign offices of the signatory powers and with any governments or agencies which may be acting as mandatories of the League of Nations in any part of the world.

### ARTICLE III.

The Contracting Powers unite in guaranteeing to each other political independence and territorial integrity, as against external aggression; but it is understood between them that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations or present social and political relationships, pursuant to the principle of self-determination, and also such territorial readjustments as may in the judgment of three-fourths of the Delegates be demanded by the welfare and manifest interest of the peoples concerned, may be effected if agreeable to those peoples and to the States from which the territory is separated or to which it is added; and that territorial changes may in equity involve material compensation. The Contracting Powers accept without reservation the principle that the peace of the world is superior in importance to every question of Political jurisdiction or boundary.

### ARTICLE IV.

The Contracting Powers recognize the principle that the establishment and maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Executive Council is directed to formulate at once plans by which such a reduction may be brought about. The plan so formulated shall be binding when, and only when, unanimously approved by the Governments signatory to this Covenant.

As the basis for such a reduction of armaments, all the Powers subscribing to the Treaty of Peace of which this Covenant constitutes a part hereby agree to abolish conscription and all other forms of compulsory military service, and also agree that their future forces of defense and of international action shall consist of militia or volunteers, whose numbers and methods of training shall be fixed, after expert inquiry, by the agreements with regard to the reduction of armaments referred to in the last preceding paragraph.

The Executive Council shall also determine for the consideration and action of the several governments what direct military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Body of Delegates.

The Contracting Powers further agree that munitions and implements of war shall not be manufactured by private enterprise or for private profit, and that there shall be full and frank publicity as to all national armaments and military or naval programmes.

#### ARTICLE V.

The Contracting Powers jointly and severally agree that should disputes or difficulties arise between or among them which cannot be satisfactorily settled or adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council of the Body of Delegates or until there has been an award by the arbitrators or a decision by the Executive Council; and that they will not even then resort to armed force as against a member of the League of Nations who complies with the award of the arbitrators or the decision of the Executive Council.

The Powers signatory to this Covenant undertake and agree that whenever any dispute or difficulty shall arise between or among them with regard to any question of the law of nations, with regard to the interpretation of a treaty, as to any fact which would, if established, constitute a breach of international obligation, or as to any alleged damage and the nature and measure of the reparation to be made therefor, if such dispute or difficulty cannot be satisfactorily settled by the ordinary processes of negotiation, to submit the whole subject matter to arbitration and to carry out in full good faith any award or decision that may be rendered.

In case of arbitration, the matter or matters at issue shall be referred to three arbitrators, one of the three to be selected by each of the parties to the dispute, from outside their own nations, when there are but two such parties, and the third by the two thus selected. When there are more than two parties to the dispute, one arbitrator shall be named by each of the several parties and the arbitrators thus named shall add to their number others of their own choice, the number thus added to be limited to the number which will suffice to give a deciding voice to the arbitrators thus added in case of a tie vote among the arbitrators chosen by the contending parties. In case the arbitrators chosen by the contending parties cannot agree upon an additional arbitrator or arbitrators, the additional arbitrator or arbitrators shall be chosen by the Executive Council.

On the appeal of a party to the dispute the decision of the arbitrators may be set aside by a vote of three-fourths of the Delegates, in case the decision of the arbitrators was unanimous, or by a vote of two-thirds of the Delegates in case the decision of the arbitrators was not unanimous, but unless thus set aside shall be finally binding and conclusive.

When any decision of arbitrators shall have been thus set aside, the dispute shall again be submitted to arbitrators chosen as heretofore provided, none of whom shall, however, have previously acted as arbitrators in the dispute in question, and the decision of the arbitrators rendered in this second arbitration shall be finally binding and conclusive without right of appeal.

If for any reason it should prove impracticable to refer any matter in dispute to arbitration, the parties to the dispute shall apply to the Executive Council to take the matter under consideration for such mediatory action or recommendation as it may deem wise in the circumstances. The Council shall immediately accept the reference and give notice to the parties, and shall make the necessary arrangements for a full hearing, investigation and consideration. It shall ascertain and as soon as possible

make public all the facts involved in the dispute and shall make such recommendations as it may deem wise and practicable based on the merits of the controversy and calculated to secure a just and lasting settlement. Other members of the League shall place at the disposal of the Executive Council any and all information that may be in their possession which in any way bears upon the facts or merits of the controversy; and the Executive Council shall do everything in its power by way of mediation or conciliation to bring about a peaceful settlement. The decisions of the Executive Council shall be addressed to the disputants, and shall not have the force of a binding verdict. Should the Executive Council fail to arrive at any conclusion, it shall be the privilege of the members of the Executive Council to publish their several conclusions or recommendations; and such publications shall not be regarded as an unfriendly act by either or any of the disputants.

Every award by arbitrators and every decision by the Executive Council upon a matter in dispute between States must be rendered within twelve months after formal reference.

#### ARTICLE VI.

Should any contracting power break or disregard its covenants under ARTICLE V, it shall thereby *ipso facto* be deemed to have committed an act of war against all the members of the League, which shall immediately subject it to a complete economic and financial boycott, including the severance of all trade or financial relations, the prohibition of all intercourse between their subjects and the subjects of the covenant-breaking State, and the prevention, so far as possible, of all financial, commercial, or personal intercourse between the subjects of the covenant-breaking State and the subjects of any other State, whether a member of the League of Nations or not.

It shall be the privilege and duty of the executive Council of the Body of Delegates in such a case to recommend what effective military or naval force the members of the League of Nations shall severally contribute, and to advise, if it should think best, that the smaller members of the League be excused from making any contribution to the armed forces to be used against the covenant-breaking State.

The covenant-breaking State, shall, after the restoration of peace, be subject to the regulations with regard to a peace establishment provided for new States under the terms SUPPLEMENTARY ARTICLE IV.

#### ARTICLE VII.

If any Power shall declare war or begin hostilities, or take any hostile step short of war, against another Power before submitting the dispute involved to arbitrators or consideration by the Executive Council as herein provided, or shall declare war or begin hostilities, or take any hostile step short of war, in regard to any dispute which has been decided adversely to it by arbitrators chosen and empowered as herein provided, the Contracting Powers hereby engage not only to cease all commerce and intercourse with that Power but also to unite in blockading and closing the frontiers of that Power to commerce or intercourse with any part of the world and to use any force that may be necessary to accomplish that object.

#### ARTICLE VIII.

Any war or threat of war, whether immediately affecting any of the Contracting Powers or not, is hereby declared a matter of concern to the League of

Nations and to all the Powers signatory hereto, and those Powers hereby reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the nations signatory or adherent to this Covenant to draw the attention of the Body of Delegates or of the Executive Council to any circumstances anywhere which threaten to disturb international peace or the good understanding between nations upon which peace depends.

The Delegates and the Executive Council shall meet in the interest of peace whether war is rumored or threatened, and also whether<sup>1</sup> the Delegates of any Power shall inform the Delegates that a meeting and conference in the interest of peace is advisable.

The Delegates may also meet at such other times and upon such other occasions as they shall from time to time deem best and determine.

#### ARTICLE IX.

In the event of a dispute arising between one of the Contracting Powers and a Power not a party to this Covenant, the Contracting Power involved hereby binds itself to endeavor to obtain the submission of the dispute to judicial decision or to arbitration. If the other Power will not agree to submit the dispute to judicial decision or to arbitration, the Contracting Power shall bring the matter to the attention of the Executive Council. The Delegates shall in such a case, in the name of the League of Nations, invite the Power not a party to this Covenant to become *ad hoc* a party and to submit its case to judicial decision or to arbitration, and if that Power consents it is hereby agreed that the provisions hereinbefore contained and applicable to the submission of disputes to arbitration or discussion shall be in all respects applicable to the dispute both in favor of and against such Power as if it were to this Covenant.

In case the Power not a party to this Covenant shall not accept the invitation of the Executive Council to become *ad hoc* a party, it shall be the duty of the Executive Council immediately to institute an inquiry into the circumstances and merits of the dispute involved and to recommend such joint action by the Contracting Powers as may seem best and most effectual in the circumstances disclosed.

#### ARTICLE X.

If hostilities should be begun or any hostile action taken against the Contracting Power by the Power not a party to this Covenant before a decision of the dispute by arbitrators or before investigation, report and recommendation by the Executive Council in regard to the dispute, or contrary to such recommendation, the Contracting Powers engage thereupon to cease all commerce and communication with that Power and also to unite in blockading and closing the frontiers of that Power to all commerce or intercourse with any part of the world, and to employ jointly any force that may be necessary to accomplish that object. The Contracting Powers also undertake to unite in coming to the assistance of the Contracting Power against which hostile action has been taken, and to combine their armed forces in its behalf.

#### ARTICLE XI.

In case of a dispute between states not parties to this Covenant, any Contracting Power may bring the matter to the attention of the Delegates or the Executive Council, who shall thereupon tender the good offices of the League of Nations with a view to the peaceable settlement of the dispute.

<sup>1</sup> Error in original for "whenever."

If one of the states, a party to the dispute, shall offer and agree to submit its interests and cause<sup>1</sup> of action wholly to the control and decision of the League of Nations, that state shall *ad hoc* be deemed a Contracting Power. If no one of the states, parties to the dispute, shall so offer and agree, the Delegates shall, through the Executive Council, of their own motion take such action and make such recommendation to their governments as will prevent hostilities and result in the settlement of the dispute.

#### ARTICLE XII.

Any Power not a party to this Covenant, whose government is based upon the principle of popular self-government, may apply to the Body of Delegates for leave to become a party. If the Delegates shall regard the granting thereof as likely to promote the peace, order, and security of the World, they shall act favorably on the application, and their favorable action shall operate to constitute the Power so applying in all respects a full signatory party to this Covenant. This action shall require the affirmative vote of two-thirds of the Delegates.

#### ARTICLE XIII.

The Contracting Powers severally agree that the present Covenant and Convention is accepted as abrogating all treaty obligations *inter se* which are inconsistent with the terms hereof, and solemnly engage that they will not enter into any engagements inconsistent with the terms hereof.

In case any of the powers signatory hereto or subsequently admitted to the League of Nations shall, before becoming a party to this Covenant, have undertaken any treaty obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

#### SUPPLEMENTARY AGREEMENTS.

##### I.

In respect of the peoples and territories which formerly belonged to Austria-Hungary, and to Turkey, and in respect of the colonies formerly under the dominion of the German Empire, the League of Nations shall be regarded as the residuary trustee with the right of oversight or administration in accordance with certain fundamental principles hereinafter set forth; and this reversion and control shall exclude all rights or privileges of annexation on the part of any Power.

These principles are, that there shall in no case be any annexation of any of these territories by any State either within the League or outside of it, and that in the future government of these peoples and territories the rule of self-determination, or the consent of the governed to their form of government, shall be fairly and reasonably applied, and all policies of administration or economic development be based primarily upon the well-considered interests of the peoples themselves.

##### II.

Any authority, control, or administration which may be necessary in respect of these peoples or territories other than their own self-determined and self-organized autonomy shall be the exclusive function of and shall

<sup>1</sup>Printer's error in original for "course."

be vested in the League of Nations and exercised or undertaken by or on behalf of it.

It shall be lawful for the League of Nations to delegate its authority, control, or administration of any such people or territory to some single State or organized agency which it may designate and appoint as its agent or mandatory; but whenever or wherever possible or feasible the agent or mandatory so appointed shall be nominated or approved by the autonomous people or territory.

### III.

The degree of authority, control, or administration to be exercised by the mandatory State or agency shall in each case be explicitly defined by the Executive Council in a special Act or Charter which shall reserve to the League complete power of supervision, and which shall also reserve to the people of any such territory or governmental unit the right to appeal to the League for the redress or correction of any breach of the mandate by the mandatory State or agency or for the substitution of some other State or agency, as mandatory.

The mandatory State or agency shall in all cases be bound and required to maintain the policy of the open door, or equal opportunity for all the signatories to this Covenant, in respect of the use and development of the economic resources of such people or territory.

The mandatory State or agency shall in no case form or maintain any military or naval force, native or other, in excess of definite standards laid down by the League itself for the purposes of internal police.

Any expense the mandatory State or agency may be put to in the exercise of its functions under the mandate, so far as they cannot be borne by the resources of the people or territory under its charge upon a fair basis of assessment and charge, shall be borne by the several signatory Powers, their several contributions being assessed and determined by the Executive Council in proportion to their several national budgets, unless the mandatory State or agency is willing itself to bear the excess costs; and in all cases the expenditures of the mandatory Power or agency in the exercise of the mandate shall be subject to the audit and authorization of the League.

The object of all such tutelary oversight and administration on the part of the League of Nations shall be to build up in as short a time as possible out of the people or territory under its guardianship a political unit which can take charge of its own affairs, determine its own connections, and choose its own policies. The League may at any time release such a people or territory from tutelage and consent to its being set up as an independent unit. It shall also be the right and privilege of any people or territory to petition the League to take such action, and upon such petition being made it shall be the duty of the League to take the petition under full and friendly consideration with a view to determining the best interests of the people or territory in question in view of all the circumstances of their situation and development.

### IV.

No new State shall be recognized by the League or admitted into its membership except on condition that its military and naval forces and armaments shall conform to standards prescribed by the League in respect of it from time to time.

The League of Nations is empowered, directly and without right of delegation, to watch over the relations *inter se* of all new independent States arising

or created and shall assume and fulfill the duty of conciliating and composing differences between them with a view to the maintenance of settled order and the general peace.

#### V.

The Powers signatory or adherent to this Covenant agree that they will themselves seek to establish and maintain fair hours and humane conditions of labor for all those within their several jurisdictions who are engaged in manual labor and that they will exert their influence in favor of the adoption and maintenance of a similar policy and like safeguards wherever their industrial and commercial relations extend.

#### VI.

The League of Nations shall require all new States to bind themselves as a condition precedent to their recognition as independent or autonomous States and the Executive Council shall exact of all States seeking admission to the League of Nations the promise, to accord to all racial or national minorities within their several jurisdictions exactly the same treatment and security, both in law and in fact, that is accorded the racial or national majority of their people.

#### VII.

Recognizing religious persecution and intolerance as fertile sources of war, the Powers signatory hereto agree, and the League of Nations shall exact from all new States and all States seeking admission to it the promise, that they will make no law prohibiting or interfering with the free exercise of religion, and that they will in no way discriminate, either in law or in fact, against those who practice any particular creed, religion, or belief whose practices are not inconsistent with public order or public morals.

#### VIII.

The rights of belligerents on the high seas outside territorial waters having been defined by international convention, it is hereby agreed and declared as a fundamental covenant that no Power or combination of Powers shall have a right to overstep in any particular the clear meaning of the definitions thus established; but that it shall be the right of the League of Nations from time to time and on special occasion to close the seas in whole or in part against a particular Power or particular Powers for the purpose of enforcing the international covenants here entered into.

#### IX.

It is hereby covenanted and agreed by the Powers signatory hereto that no treaty entered into by them, either singly or jointly, shall be regarded as valid, binding, or operative until it shall have been published and made known to all the other signatories.

#### X.

It is further covenanted and agreed by the signatory Powers that in their fiscal and economic regulations and policy no discrimination shall be made between one nation and another among those with which they have commercial and financial dealings.

**British Draft Convention, January 20, 1919, with Notes.**

*(The changes from the earlier draft of Cecil, January 16, are noted)*

LEAGUE OF NATIONS

DRAFT CONVENTION

CHAPTER I

*Functions and Organisation of the League*

I. IMPRESSED by the horrors of the late War, and convinced that another war of the same kind would be productive of still greater disasters to humanity and civilisation,<sup>1</sup> the High Contracting Parties \* unite in constituting a League of Nations.

The primary object of the League is the promotion of peace among the nations of the world. With this intent the H. C. P. solemnly pledge themselves to co-operate in the League for the prevention of war by eliminating, so far as possible, the causes of international disputes, by providing for the pacific settlement of such disputes should they arise, and by encouraging a general system of international co-operation for promoting the peaceful progress of mankind.

For achieving these ends the H.C.P. adopt the following measures:—

- (i.) They enter into the obligations intended to secure the avoidance of war which are contained in Chapter II. of this Convention.
- (ii.) They undertake to respect the territorial integrity of all States members of the League, and to protect them from foreign aggression, and they agree to prevent any attempts by other States forcibly to alter the territorial settlement existing at the date of, or established by, the present treaties of peace.
- (iii.) They recognise the duty incumbent upon the more advanced members of the family of nations to render help and guidance, under the sanction of the League, in the development of the administration of States and territories which have not yet attained to stable government.
- (iv.) They entrust to the League the general supervision of the trade in arms and ammunition with the countries in

<sup>1</sup> Opening phrases were not in earlier draft.

\* Hereinafter referred to as "H.C.P."

which the control of this traffic is necessary in the common interest.

- (v.) They will endeavour to secure and maintain freedom of transit and just treatment for the commerce of all States members of the League.
- (vi.) They appoint commissions to study and report to the League on economic, sanitary, and other similar problems of international concern, and they authorise the League to recommend such action as these reports may show to be necessary.
- (vii.) They appoint a commission to study conditions of industry and labour in their international aspects, and to make recommendations thereon, including the extension and improvement of existing conventions.

Stipulations for securing the above objects are embodied in separate Conventions annexed hereto or in the general treaties of peace.

(2.) The H.C.P. place under the control of the League all international bureaux established by general treaties and now located elsewhere if the parties to such treaties consent. Furthermore, they agree that all such international bureaux to be constituted in future shall be placed under the supervision of the League and shall be located at the capital of the League.

2. If at any time it should appear that the boundaries of any State guaranteed by Article 1 (i), (ii) do not conform to the requirements of the situation, the League shall take the matter under consideration and may recommend to the parties affected any modification which it may think necessary. If such recommendation is rejected by the parties affected, the States members of the League, shall, so far as the territory in question is concerned, cease to be under the obligation to protect the territory in question from forcible aggression by other States, imposed upon them by the above provision.

3. The H.C.P. agree to accept as the basis of the organisation of the League the provisions contained in the following articles.

4. A General Conference of the League shall be held within six months of the date when the present Convention comes into force, and similar conferences shall be held from time to time as occasion may require, and in any case at intervals of not more than four years.

A General Conference of the League shall be composed of responsible representatives of the States members of the League.

The meetings of the General Conference of the League are referred to in the present Convention as the Conference of the League.

5. The H.C.P. appoint the following States members of the

League to constitute the Council of the League:—France, Great Britain, Italy, Japan, and the United States of America. The Council may at any time co-opt additional members. Except as provided hereafter, no State shall be represented at any meeting of the Council by more than two members.

Meetings of the Council shall be held from time to time as occasion may require, and in any case at intervals of not more than one year.

6. The Council of the League will be responsible for ensuring the successful working of the League of Nations, and for seeing that it secures the harmonious co-operation of all the States members of the League.

In particular, it is charged with the duty of watching over the development of the new States which may be recognised by the general treaties of peace, and of settling all differences which may arise between them connected with the arrangements effected by those treaties.

7. The Council shall invite any State member of the League to send representatives to any meeting of the Council at which matters affecting that State will be under discussion.

No decision on any matter directly affecting the interests of a State member of the League which is not represented on the Council will be binding upon any such State unless its representatives have been invited to the meeting when the decisions in question were taken.

8. The Conference of the League shall regulate its own procedure, and may appoint committees for any purpose it may deem convenient. In all matters covered by this Article the Conference may decide by a majority of the representatives present at any meeting. The provisions of this Article apply also to the Council of the League.

9. There shall be established a permanent international secretariat of the League. The secretariat shall be under the general control and direction of the Chancellor of the League, who shall hold office during the pleasure of the Council. The first Chancellor of the League shall be the person named in the Protocol hereto. Any successor shall be appointed by the Council.

10. The Chancellor of the League shall be assisted by such number of assistant secretaries as he may find it necessary to appoint and such further staff as he may think necessary within the limits of the expenditure which may be authorised.

11. The Chancellor shall act as the Secretary of the Conference of the League and of the Council of the League, and will be responsible to them for such duties as may be entrusted to him.

12. Representatives of the States members of the League attending meetings of the League, the representatives of the H.C.P

at the capital of the League, the Chancellor and the members of the permanent secretariat of the League, and the members of any judicial or administrative organ or of any commission of enquiry working under the sanction of the League, shall enjoy diplomatic privileges and immunities while they are engaged in the business of the League.

All buildings occupied by the League, or by any organisation placed under the control of the League, or by any of its officials, or by the representatives of the H.C.P. at the capital of the League shall enjoy the benefits of extra-territoriality.

13. The Secretariat of the League shall be established at.....  
..... This City shall constitute the capital of the League.

The meetings of the Conference of the League and of the Council of the League shall be held at the capital of the League, or in such other place as may be determined.

14. Each of the H.C.P. may maintain a representative at the capital of the League.

15. The expenses of the League, other than those occasioned by meetings of the Council of the League, shall be borne by the States members of the League, in accordance with the distribution among the members of the Postal Union of the expenses of the International Postal Bureau. The expenses occasioned by meetings of the Council of the League shall be divided equally among the States represented on the Council.

16. The H.C.P. recognise the right of the British Empire to separate representation in respect of the Dominions of the British Empire including India, at meetings of the Conference of the League, and also at meetings of the Council, at which matters affecting any particular Dominion<sup>1</sup> are under discussion.

## CHAPTER II

### *Avoidance of War*

1. Each of the States members of the League agrees that it will not, except in accordance with Article 12, go to war with another State member of the League:—

- (a.) without submitting the matter in dispute to a Court of International Law or to the Conference or the Council of the League; and
- (b.) until the Court or the Conference or the Council of the League has had reasonable time to render its decision or report on the matter, provided that in the

<sup>1</sup> Later draft added "or affecting India."

case of the Conference or of the Council the time shall not exceed.....months and <sup>1</sup>

- (c.) within a period of three months after the rendering of the decision or the report, including for this purpose a majority report, or after the expiration of the reasonable period referred to in (b);

and also that it will not go to war with another State member of the League which complies with the decision of the Court or, subject to Article 9, with the recommendations of the Conference or of the Council.

2. If there should arise between States members of the League any dispute likely to lead to a rupture,<sup>2</sup> which both parties agree to refer to the decision of a court of international law, or which under some convention between them either party is entitled to claim as of right should be referred to the decision of a court of international law, the parties or party as the case may be shall inform the Chancellor of the League, who shall forthwith make all necessary arrangements for bringing the dispute before the Court accordingly. All questions of procedure shall, if not settled by agreement between the parties, be decided by the Court, and, pending the assembly of the Court, may be decided by the Chancellor.

3. Pending the creation of a permanent court of international justice, the court of international law to which the case is referred under the preceding article shall be the court agreed on by the parties or stipulated in the convention existing between them.

4. If there should arise between two<sup>3</sup> States members of the League any dispute likely to lead to a rupture which is not submitted to a court of international law under Article 2, it shall be open to either of them to demand the reference of the matter to the League. The object of the League in dealing with the matter shall be to enact a just and lasting settlement of the difference. The Chancellor of the League shall in that case convoke a meeting of the Council of the League at such place as may be deemed most convenient under the circumstances, and the Council shall forthwith proceed with the investigation of the dispute.

5. In the event of any State represented on the Council or of any party to the dispute notifying the Chancellor within a period of 14 days after the demand for reference to the League that in its opinion the dispute is one which should be referred to the Conference, the Chancellor shall convoke a meeting of the Conference. Pending the assembly of the Conference, the investigation of the dispute by the Council shall continue.

<sup>1</sup> "and" not in earlier draft.

<sup>2</sup> Same language as in earlier draft but wording transposed.

<sup>3</sup> "two" not in earlier draft.

6. The party upon whose demand the matter has been referred to the League shall file with the Chancellor of the League a statement of its case with all the facts and papers relevant to the dispute. The party against whom the complaint is made shall be invited by the Chancellor to file a statement of its case with all relevant facts and papers.

The Chancellor shall forthwith publish the statements of the parties.

The H.C.P. agree that, in the case of the reference of any dispute to the League under Article 4, they will each, whether parties to the dispute or not, place at the disposal of the Conference or the Council to the fullest possible extent compatible with their interests all the information in their possession which bears upon the questions under discussion.

7. Where the Conference or the Council finds that the dispute can with advantage be submitted to a court of international law, or that any particular question involved in the dispute can with advantage be referred to a court of international law, it may submit the dispute or the particular question accordingly, and may formulate the questions for decision, and may give such directions as to procedure as it may think desirable. In such case, the decision of the Court shall have no force or effect unless it is confirmed by the Report of the Conference or Council.

Pending the creation of a permanent court of international justice, the court of international law referred to in this article shall be a tribunal of arbitration nominated by the Conference or the Council from among the members of the Permanent Court created by the Convention for the Pacific Settlement of International Disputes.

8. Where the dispute is under investigation by the Council, the Council shall, after considering the merits of the dispute, and the decision of a Court under Article 7, make a report to the H.C.P.

9. Where the efforts of the Conference or of the Council have led to the settlement of the dispute, a statement shall be prepared for publication indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate.

If the dispute has not been settled, the report of the Council to the H.C.P., or a similar report by the Conference, shall be published. This report shall set forth, with all necessary facts and explanations, the recommendations which the Council or Conference think just and proper for the settlement of the dispute. If the Report is unanimously agreed to by the members of the Conference or Council, other than the parties to the dispute, the H.C.P. hereby agree that none of them will go to war with any party which complies with its provisions, and that they will take all the measures described in Article 12 and 13 to prevent any other Power going to war with such party. If no unanimous report can be made it shall be the

duty of the majority to issue a report indicating what they believe to be the facts and containing the recommendations which they consider just and proper.

10. The Council may at any time in the course of its investigation of a dispute, or within the period of three months after the making of its report, convoke a meeting of the Conference and transfer to it the consideration of the dispute.

11. Where any dispute arises between any States, whether members of the League or not, which, in the opinion of the Council, may lead to a rupture, the Council may take the dispute into consideration, and may deal with it as though it had been referred to the League under Article 4, or in such other way as will in their opinion best conduce to the peace of the world.

12. The H.C.P. agree that, in the event of any State member of the League committing a breach of Article 1, it will become, *ipso facto*, at war with all the other States members of the League; they will all regard each other as co-belligerents, and will take and support each other in taking all such naval, military, or economic measures<sup>1</sup> as will best avail for restraining the breach of covenant.

In particular, they shall each forthwith take all measures necessary to suspend financial, commercial, postal, and telegraphic relations with such State, and, as far as possible, shall prevent that State from having any such relations with any other Power.

13. For the above purposes, each of the H.C.P. agrees that it will detain all ships and goods within its jurisdiction belonging to any person resident in that State; it will prohibit all vessels flying the flag of its mercantile marine from entering the ports of that State; it will prohibit all exports to or imports from, and all financial transactions direct or indirect, with any person in the territory of such State; and it will also take such further economic and commercial measures as the League may deem necessary.

Furthermore, each of the H.C.P. agrees that, if it cannot make an effective contribution of naval, military, or aerial force, it will co-operate to the utmost of its power in the naval and military measures which may be taken.

The naval, military, and economic operations undertaken in pursuance of this article and of the immediately preceding article shall be carried out without regard to any limitations hitherto imposed on belligerent States by any convention or rule of international law.<sup>2</sup>

14. The H.C.P. agree, further, that they will mutually support one another in the financial and economic measures which they are

<sup>1</sup> Same language as in earlier draft but wording transposed.

<sup>2</sup> This paragraph was clause 15 in the earlier draft, where the Article reference was blank.

bound to take under <sup>1</sup> the preceding article in order to minimise the loss and inconvenience resulting therefrom, and that they will mutually support one another in resisting any special measures aimed at one of their number by the State with which relations have been broken off, and that they will afford passage through their territory to the armed forces of any of the H.C.P. who are co-operating to resist the breach of Article 1.<sup>2</sup>

15. The H.C.P. agree that, as part of the terms of peace imposed upon the State which has violated the provisions of Article 1, it shall be called upon to restore all contracts existing at the date of the outbreak of hostilities between their nationals and the nationals of the enemy State which their nationals wish to maintain, and also to provide without reciprocity security for the payment of all debts owing at that date to nationals of the co-operating States members of the League.<sup>3</sup>

16. In the event of disputes between one State member of the League and another State which is not a member of the League, or between two States neither of which is a member of the League, the H.C.P. agree that the State or States not members of the League shall be invited to become members of the League *ad hoc*, and the above provisions shall be applied with such modifications as may be necessary.<sup>4</sup>

### CHAPTER III.

#### *General.*

1. The H.C.P. agree that the provisions of this Convention shall override any previously existing treaty stipulations which may be inconsistent by which they may be bound to any other members of the League. Furthermore, they agree that they will not enter into treaty engagements in future which are inconsistent with it.<sup>5</sup>

<sup>1</sup> The earlier draft read "the measures taken in accordance with."

<sup>2</sup> In earlier draft this phrase read thus:

They will facilitate to the utmost of their ability the passage through their territory of the armed forces of any State member of the League the movement of which may be necessary for the purpose of carrying out the provisions of the Convention.

<sup>3</sup> This clause, numbered 16 in the earlier draft, there read thus:

As part of the terms of peace imposed upon the State which has violated the provisions of Article 1, it will be called upon to restore all contracts existing at the date of the outbreak of hostilities between its subjects or citizens and the nationals of the States who are co-operating against it which the latter may wish to maintain, to provide without reciprocity security for the payment of all debts owing at that date to nationals of the co-operating States members of the League.

<sup>4</sup> This clause 16 not in earlier draft.

<sup>5</sup> This clause not in earlier draft, where the remaining clauses were numbered 1, 2 and 3.

2. Powers not represented at the present Conference may be invited to become parties to the present Convention. These invitations will be conveyed by the Chancellor of the League.

3. Powers not invited to become parties to the present Convention may apply for leave to become parties. The League shall in such case decide whether the Power so applying can be relied on to observe the terms of the Conventions, and, if not, the League may refuse the application, or, alternatively, may impose upon such Power such further conditions as it may deem necessary.

4. The provisions of this Convention shall come into effect so soon as it has been ratified by Great Britain, the United States of America, France, Italy, and Japan.

#### NOTES ON THE LEAGUE OF NATIONS DRAFT CONVENTION

##### *Note to Chapter I.*

The Conventions to be annexed to the Covenant will be, roughly, the following:

- (a.) Conventions defining territorial settlements;
- (b.) Conventions defining the responsibilities of mandatory States;
- (c.) Conventions dealing with arms traffic, liquor traffic, and other tutelage of backward races;
- (d.) Conventions defining general economic policy (*e. g.*, transit, air, trade conditions);
- (e.) Conventions dealing with international labour conditions;
- (f.) Conventions establishing the legal machinery of the League;
- (g.) Conventions dealing with standard international activities of a more scientific or technical character (*e. g.*, health);

and establishing in each case the international organs, whether Commissions of Enquiry or Administrative or semi-Administrative Commissions, required to carry out the terms of each Convention.

These Conventions will probably include not only new Conventions signed at Paris, but a number of existing agreements which the League will take over (*e. g.*, existing agreements under (g), such as the Postal Union).

##### *Note to Chapter I, Article 10.*

The duties of the Chancellor should be somewhat as follows, and directions to that effect might be given to him by the States composing the Council in a protocol:—

- (a.) He should convene the meetings of the Conference and the Council, prepare the work of these meetings, and record the business transacted at them.

- (b.) He should facilitate and register the results of the work of the various international organs indicated in the Note to Chapter I, and, in this connection, he should carry out the provisions of Chapter I, Article 1 (2) of the Convention.
- (c.) He should take the action required of him in connection with international disputes, as provided in Chapter II.
- (d.) He should register all international treaties brought to the cognisance of the League.
- (e.) In general, he should collect, for the information of the Council and the Conference, all facts affecting the purposes and obligations of the League.
- (f.) The Conference and Council of the League should correspond through him, as the sole responsible channel, with the member States, with the international bodies indicated under (b), and with any court of international law or conciliation operating in pursuance of this Convention.
- (g.) He should maintain current relations at the capital of the League with any official representatives whom the member States may accredit to the League.
- (h.) He should, at the request of two or more member States, make arrangements for any official inter-State meetings which it may be desired to hold.
- (i.) He should make similar arrangements for any unofficial meetings of an international character which he, as the representative of the Council, may consider it advisable to invite to the capital of the League.

*Note to Chapter I, Article 11.*

It might be well to agree in a protocol that the Council shall, in the first instance, direct the Chancellor to select the secretariat in a particular way. Such a protocol, signed by the States composing the Council, might stipulate that the Chancellor shall appoint ten permanent secretaries at his discretion, subject to the following provisions:—

He shall choose one national of each of the States members of the Council, two nationals of two European States not members of the Council, one national of one of the States of America other than the United States, and two nationals of any States members of the League at his discretion. Before appointing a national of any State, the Chancellor ought, however, to secure the approval of the Government of such State, and the Council should have the right to veto any given appointment by unanimous vote.

*Note to Chapter III, Articles 1 and 2.*

1. On the assumption, as a matter of procedure, that the Convention will in the first instance be negotiated and initialled by the States forming the Council of the League, and that it will then be offered for signature, during the Conference of Peace, to all the other States represented at that Conference (except the enemy Powers), it is suggested that a protocol should be annexed to the Convention, as originally initialled, naming the States to whom invitations should be issued as soon as the Convention is finally signed by the States represented at the Conference. It is suggested that invitations should be issued as follows:

(a.) to any States at war with Germany, or having broken off diplomatic relations with her, which may not be represented at the Conference;

(N. B.—It is possible that the United States may advise against the inclusion of some Latin-American State coming within this category, *e. g.*, Costa Rica.);

(b.) to European neutrals, *i. e.*, Sweden, Norway, Denmark, Holland, Switzerland, and Spain;

(c.) to Latin-American States not represented at the present Peace Conference, except Mexico, Hayti, Santo Domingo, and any other State which, in the opinion of the United States, may be considered unready for membership (without prejudice to the right of such State to apply for membership under Article 17).

(d.) to Persia.

2. The protocol should further set out that invitations should be issued to new States recognised as sovereign and independent by the Peace Conference. Jugo-Slavia would be included in this class of States, unless it were organically united to Serbia.

3. The policy with regard to the admission to the League of enemy Powers, *i. e.*, Germany, Austria, Hungary, Bulgaria, and Turkey, remains to be decided. On the whole, it might be well to state in a protocol that they will be invited to apply, under Article 17, "when they have given proof of their genuine acceptance of the present Convention, of the treaties and agreements annexed thereto, and of the present general treaties of peace, and of their determination to abide by those obligations."

Russia cannot probably be invited to adhere, but it may be advisable to state in a protocol the reasons for this omission.

### **Amalgamation of Wilson's Second Paris Draft and British Draft Suggested by Lord Eustace Percy**

*(See Documents 9 and 10)*

#### **PREAMBLE**

In order to secure international peace and security by the prescription of open, just, and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, and in order to promote international cooperation, the Powers signatory to this covenant and agreement unite in constituting a League of Nations and to that end adopt the following measures:

- (i) They enter into the obligations intended to secure the avoidance of war which are contained in Articles VII, VIII, IX, X and XI of this Convention.
- (ii) They undertake to respect the territorial integrity of all States members of the League, and to protect them from foreign aggression, and they agree to prevent any attempts by other States forcibly to alter the territorial settlement existing at the date of, or established by, the present treaties of peace.
- (iii) They recognize the duty incumbent upon the more advanced members of the family of nations to render help and guidance, under the sanction of the League, in the development of the administration of States and territories which have not yet attained to stable government.
- (iv) They entrust to the League the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest.
- (v) They recognise the principle that the establishment and maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations. Accordingly they appoint a Commission to study and recommend the forces which should be maintained and the preparations which should be made by each of them for the purposes of

such common action and they establish regular methods of conference between them for the purpose of promoting a full and frank interchange of information as to the national armaments and military and naval programmes drawn up with a view to self-defence.

- (vi) They undertake that no treaty entered into between States members of the League shall be regarded as valid, binding or operative, until it shall have been published and made known to all other States members of the League.
- (vii) They will endeavour to secure and maintain freedom of transit and just treatment for the commerce of all States members of the League.
- (viii) They appoint commissions to study and report to the League on economic, sanitary, and other similar problems of international concern, and they authorize the League to recommend such action as these reports may show to be necessary.
- (ix) They will work to establish and maintain fair hours and humane conditions of labour for all those within their several jurisdictions who are engaged in manual labour and they will exert their influence in favour of the adoption and maintenance of a similar policy and like safeguards wherever their industrial and commercial relations extend. Accordingly they appoint a Commission to study conditions of industry and labour in their international aspects and to make recommendations thereon, including the extension and improvement of existing conventions.

Stipulations for securing the above objects are embodied in separate Conventions annexed hereto or in the general treaties of peace.

The H.C.P. place under the control of the League all international bureaux established by general treaties and now located elsewhere if the parties to such treaties consent. Furthermore, they agree that all such international bureaux to be constituted in future shall be placed under the supervision of the League and shall be located at the capital of the League.

#### ARTICLE I

If at any time it should appear that any feature of the settlement guaranteed by this Covenant and by the present treaties of peace no longer conforms to the requirements of the situation, the League shall take the matter under consideration and may recommend to the parties affected, any modification which it may think necessary. If such recommendation is rejected by the parties affected, the States

members of the League shall, in the case of territorial questions, cease to be under the obligation to protect the territory in question from forcible aggression by other States, imposed on them by subsection (ii) of the Preamble.

In considering any such modification the League shall take into account changes in the present conditions and aspirations of peoples or present social and political relations, pursuant to the principle that Governments derive their just powers from the consent of the governed, and shall be guided by the principle, which the High Contracting Powers accept without reservation, that the growth among all peoples of a sense of their duties as members of a corporate society is superior in importance to every question of political predominance or historical claims.

#### ARTICLE II

The H.C.P. agree to accept as the basis of the organisation of the League the provisions contained in the following articles.

#### ARTICLE III

The action of the Signatory Powers under the terms of this covenant shall be effected through the instrumentality of a Body of Delegates and an Executive Council. The Body of Delegates shall consist of Representatives of the Contracting Powers at the Capital of the League. The Meetings of the Body of Delegates shall be held at the Capital of the League or elsewhere as may be from time to time determined. At Meetings held at the Capital of the League, the Executive Council shall appoint the presiding officer of the Body. At Meetings held elsewhere the representative of the State in whose territories the Meeting is held shall be the presiding officer.

It shall be the privilege of any of the contracting Powers to assist its representative in the Body of Delegates and Executive Council by any method of conference, counsel, or advice that may seem best to it, and also to substitute upon occasion a special representative for its regular representative at the capital of the League.

The H.C.P. appoint the following States members of the League to constitute the Council of the League: France, Great Britain, Italy, Japan, and the United States of America. The Council may at any time co-opt additional members. Except as provided hereafter, no State shall be represented at any meeting of the Council by more than two members.

Meetings of the Council shall be held from time to time as occasion may require, and in any case at intervals of not more than one year.

## ARTICLE IV

The Body of Delegates and the Executive Council shall regulate their own procedure and shall have power to appoint such committees as they may deem necessary to inquire into and report upon any matters that lie within the field of their action. In all matters covered by this paragraph the Body of Delegates and the Executive Council may decide by a majority of the representatives present at any meeting.

It shall be the right of the Body of Delegates, upon the initiative of any member, to discuss, either publicly or privately as it may deem best, any matter lying within the jurisdiction of the League of Nations as defined in this covenant, or any matter likely to affect the peace of the world; but all resolutions passed or actions taken by the Body of Delegates in the execution of the functions and powers granted to them under this Covenant shall be passed or taken either upon the initiative and recommendation of, or after reference to and approval by, the Executive Council.

The Council shall invite any State Member of the League to send representatives to any Meeting of the Council at which matters affecting that State will be under discussion and no decision on any matter directly affecting the interests of a State Member of the League which is not represented on the Council will be binding upon any such State unless its representatives have been invited to the Meeting when the decisions in question were taken.

The Council may also invite any State Member of the League to send representatives to any Meeting of the Council whenever the Council shall consider that the work of the League would be assisted thereby.

All resolutions passed or actions taken by the Executive Council, or by the Body of Delegates upon the recommendation of the Executive Council, except those adopted in execution of any direct powers herein granted to the Body of Delegates themselves or the Executive Council, shall have the effect of recommendations to the several Governments of the League.

The Council of the League will be responsible for ensuring the successful working of the League of Nations and for seeing that it secures the harmonious cooperation of the States Members of the League. In particular it is charged with the duty of watching over the development of all new independent States arising or created out of the present Treaties of Peace and of conciliating and composing differences between them with a view to the maintenance of settled order and the general peace.

The Executive Council shall appoint a permanent Secretariat and Staff. The Secretariat shall be under the general control and direction of the Chancellor of the League who shall hold office during

the pleasure of the Council. The first Chancellor of the League shall be the person named in the Protocol hereto. Any successor shall be appointed by the Council.

The Executive Council shall, through the Chancellor, take the necessary steps to establish and maintain close and continuous relations with the Governments of the signatory Powers, with any Governments which may be acting as mandatories of the League of Nations in any part of the world, and with any organs or agencies of international action, whether permanent or temporary, which may be established under the general sanction of the League.

The Chancellor of the League shall be assisted by such number of assistant secretaries as he may find it necessary to appoint and such further staff as he may think necessary within the limits of the expenditure which may be authorised.

The Chancellor shall act as the Secretary of the Conference of the League and of the Council of the League, and will be responsible to them for such duties as may be entrusted to him.

Representatives of the States members of the League attending meetings of the League, the representatives of the H.C.P. at the capital of the League, the Chancellor and the members of the permanent secretariat of the League, and the members of any judicial or administrative organ or of any commission of enquiry working under the sanction of the League, shall enjoy diplomatic privileges and immunities while they are engaged in the business of the League.

All buildings occupied by the League, or by any organisation placed under the control of the League, or by any of its officials, or by the representatives of the H.C.P. at the capital of the League shall enjoy the benefits of extra-territoriality.

The Secretariat of the League shall be established at . . . . This City shall constitute the capital of the League.

The meetings of the Conference of the League and of the Council of the League shall be held at the capital of the League, or in such other place as may be determined.

The expenses of the League, other than those occasioned by meetings of the Council of the League, shall be borne by the States members of the League, in accordance with the distribution among the members of the Postal Union of the expenses of the International Postal Bureau. The expenses occasioned by meetings of the Council of the League shall be divided equally among the States represented on the Council.

The H.C.P. recognise the right of the British Empire to separate representation in respect of the Dominions of the British Empire including India, at meetings of the Conference of the League, and also at meetings of the Council, at which matters affecting any particular Dominion are under discussion.

ARTICLE V<sup>1</sup>

The Contracting Powers recognize the principle that the establishment and maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Executive Council is directed to formulate at once after expert enquiry plans by which such a reduction may be brought about. The plan so formulated shall be binding when, and only when, unanimously approved by the Governments signatory to this Covenant but when so approved it shall not be departed from by any signatory without the consent of all.

As the basis for such a reduction of armaments, the Contracting Powers hereby agree that the following measures are desirable: the abolition of conscription and all other forms of compulsory military service; the maintenance of future forces of defence and of international action by systems of militia or voluntary enlistment, whose numbers and methods of training, together with the scale of direct military equipment and armament which may be fair and reasonable in each case, shall be fixed by the agreements with regard to the reduction of armaments referred to in the last preceding paragraph; the introduction of full and frank publicity as to all national armaments and military or naval programmes; and the prohibition of the manufacture of munitions and implements of war by private enterprise or for private profit.

No new State shall be recognized by the League or admitted into its membership except on condition that its military and naval forces and armaments shall conform to standards prescribed by the League in respect of it from time to time, provided, however, that the League shall not prescribe such standards until the plans of disarmament referred to in the first paragraph of this Article shall have been adopted by the contracting Powers.

In consideration of the limitations which may thus be imposed on the military and naval forces and armaments of weaker members of the League, whether in respect of the standards prescribed for them by the League or in respect of their inability themselves to undertake the manufacture of munitions and implements of war, the Contracting Powers recognize it as their joint duty to protect such weaker members of the League and to supply to them, where necessary, the amounts of direct military equipment and armaments eventually determined in the manner provided in this Article to be fair and reasonable in their case.

<sup>1</sup>As to this Article, the paper of Percy said: "In view of the new subsection (v) which has now been embodied in the Preamble, and in view of the fact that it is proposed to appoint a separate Commission of the Peace Conference to study the disarmament question, it might perhaps be preferable to omit this Article altogether. On the assumption, however, that it is retained, the following amendments may be proposed" (as above set forth).

## ARTICLE VI

The Contracting Powers jointly and severally agree that should disputes or difficulties arise between or among them which cannot be satisfactorily settled or adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council of the Body of Delegates or until three months after the award by the arbitrators or a decision by the Executive Council; provided that the award of the arbitrators shall be made within a reasonable time and the decision of the Council within six months; and that they will not even then resort to armed force as against a member of the League of Nations who complies with the award of the arbitrators or the decision of the Executive Council.

The Powers signatory to this Covenant undertake and agree that whenever any dispute or difficulty shall arise between or among them with regard to any question of the law of nations, with regard to the interpretation of a treaty, as to any fact which would, if established, constitute a breach of international obligation, or as to any alleged damage and the nature and measure of the reparation to be made therefor, if such dispute or difficulty cannot be satisfactorily settled by the ordinary processes of negotiation, to submit the whole subject matter to arbitration and to carry out in full good faith any award or decision that may be rendered.

In case of arbitration, pending the creation of a permanent court of international justice and in the absence of provisions in any agreement between the parties to the dispute prescribing the constitution of the court to which the dispute shall be submitted, the matter or matters at issue shall be referred to three arbitrators, one of the three to be selected by each of the parties to the dispute, from outside their own nations, when there are but two such parties, and the third by the two thus selected. When there are more than two parties to the dispute, one arbitrator shall be named by each of the several parties and the arbitrators thus named shall add to their number others of their own choice, the number thus added to be limited to the number which will suffice to give a deciding voice to the arbitrators thus added in case of a tie vote among the arbitrators chosen by the contending parties. In case the arbitrators chosen by the contending parties cannot agree upon an additional arbitrator or arbitrators, the additional arbitrator or arbitrators shall be chosen by the Executive Council.

If there should arise between States, members of the League, any dispute likely to lead to a rupture which is not submitted to arbitration under paragraphs 2 and 3 of this Article they shall apply to the Executive Council to take the matter under consideration for such

mediatory action or recommendation as it may deem wise in the circumstances. The Council shall immediately accept the reference and the chancellor shall give notice to the parties, and shall make the necessary arrangements for a full hearing, investigation and consideration.

The party upon whose demand the matter has been referred to the League shall file with the Chancellor of the League a statement of its case with all the facts and papers relevant to the dispute. The party against whom the complaint is made shall be invited by the Chancellor to file a statement of its case with all relevant facts and papers.

The Chancellor shall forthwith publish the statements of the parties.

The H.C.P. agree that in the case of the reference of any dispute to the League under this Article, they will each, whether parties to the dispute or not, place at the disposal of the Council to the fullest possible extent compatible with their interests all the information in their possession which bears upon the questions under discussion.

The Council shall ascertain all the facts involved in the dispute and shall make such recommendations as it may deem wise and practicable based on the merits of the controversy and calculated to secure a just and lasting settlement. The decisions of the Executive Council shall be addressed to the disputants, and shall not have the force of a binding verdict.

Where the efforts of the Council have led to the settlement of the dispute, a statement shall be prepared for publication indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate.

If the dispute has not been settled, the report of the Council to the H.C.P. shall be published. This report shall set forth, with all necessary facts and explanations, the recommendations which the Council think just and proper for the settlement of the dispute. If the Report is unanimously agreed to by the members of the Council, other than the parties to the dispute, the H.C.P. hereby agree that none of them will go to war with any party which complies with its provisions, and that they will take all the measures described in Articles VII and VIII to prevent any other Power going to war with such party. If no unanimous report can be made it shall be the duty of the majority to issue a report indicating what they believe to be the facts and containing the recommendations which they consider just and proper.

Where the Council finds that the dispute can with advantage be submitted to a court of international law, or that any particular question involved in the dispute can with advantage be referred to a court of international law, it may submit the dispute or the particular question accordingly, and may formulate the questions for

decision, and may give such directions as to procedure as it may think desirable. In such case, the decision of the Court shall have no force or effect unless it is confirmed by the Report of the Council.

Pending the creation of a permanent court of international justice, the court of international law referred to in this article shall be a tribunal of arbitration nominated by the Council from among the members of the Permanent Court created by the Convention for the Pacific Settlement of International Disputes.

In the event of any State represented on the Council or of any party to the dispute notifying the Chancellor within a period of 14 days after the demand for reference to the League that in its opinion the dispute is one which should be referred to the Body of Delegates, the Chancellor shall refer the matter to that Body. In addition the Council may at any time in the course of its investigation of a dispute or within the period of three months after the making of its report refer the consideration of the dispute to the Body of Delegates. In such cases all the relevant provisions of this Article regarding the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates.

#### ARTICLE VII

Should any contracting power break or disregard its covenants under Article VI, it shall thereby *ipso facto* be deemed to have committed an act of war against all the members of the League, which shall immediately subject it to a complete economic and financial boycott, including the severance of all trade or financial relations, the prohibition of all intercourse between their subjects and the subjects of the covenant-breaking State, and the prevention, so far as possible, of all financial, commercial, or personal intercourse between the subjects of the covenant-breaking State and the subjects of any other State, whether a member of the League of Nations or not.

It shall be the privilege and duty of the executive Council of the Body of Delegates in such a case to recommend what effective military or naval force the members of the League of Nations shall severally contribute, and to advise, if it should think best, that the smaller members of the League be excused from making any contribution to the armed forces to be used against the covenant-breaking State.

The naval, military, and economic operations undertaken in pursuance of this article and of the immediately preceding article shall be carried out without regard to any limitations hitherto imposed on belligerent States, by any convention or rule of international law.

The H.C.P. agree, further, that they will mutually support one another in the financial and economic measures which they are bound to take under the preceding [this?] article in order to minimise the loss and inconvenience resulting therefrom, and that they will

mutually support one another in resisting any special measures aimed at one of their number by the State with which relations have been broken off, and that they will afford passage through their territory to the armed forces of any of the H.C.P. who are co-operating to resist the breach of Article [vi ?].

The covenant-breaking State shall, after the restoration of peace, be subject to the regulations with regard to a peace establishment provided for new States under the terms of the third paragraph of Article iv and as part of the terms of peace imposed on such State, it shall be called upon to restore all contracts existing at the date of the outbreak of hostilities between their nationals and the nationals of the enemy State which their nationals wish to maintain, and also to provide without reciprocity security for the payment of all debts owing at that date to nationals of the co-operating States members of the League.

*As to Article vii of Wilson's Second Paris Draft, Percy commented as follows (the Article numbers are all those of Document 9):*

The difficulty about this Article is that it appears to refer to two possible cases, one, the case of an attack by a Power, not a member of the League, and the other, an act of war by a Power, member of the League, of a more aggravated character than is necessarily involved in the breach of the Covenant mentioned in Article vi. In so far as it refers to the former case it would appear to duplicate Article x.

In the latter case the distinction between Articles vi and vii is so vague that it would seem preferable to leave Article vii out altogether and to transfer the word "blockade" to Article vi. It is, in addition, not evident what the "closing the frontiers" mentioned in Article vii can mean over and above the prevention of all intercourse with the subjects of any other State which is already provided for in Article vi. It is therefore assumed that this Article may be omitted.

#### ARTICLE VIII

Any war or threat of war, whether immediately affecting any of the Contracting Powers or not, is hereby declared a matter of concern to the League of Nations which shall have the right to take, through the organs herein provided, any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the nations signatory or adherent to this Covenant to draw the

attention of the Body of Delegates or of the Executive Council to any circumstances anywhere which threaten to disturb international peace or the good understanding between nations upon which peace depends.

The Delegates and the Executive Council shall meet in the interest of peace whether war is rumored or threatened, and also whether the Delegates of any Power shall inform the Chancellor that a meeting and conference in the interest of peace is advisable.

#### ARTICLE IX

In the event of a dispute arising between one of the Contracting Powers and a Power not a party to this Covenant, the Contracting Power involved hereby binds itself to endeavor to obtain the submission of the dispute to judicial decision or to arbitration. If the other Power will not agree to submit the dispute to judicial decision or to arbitration, the Contracting Power shall bring the matter to the attention of the Executive Council. The Council shall in such a case, in the name of the League of Nations, invite the Power not a party to this Covenant to become *ad hoc* a party and submit its case to judicial decision or to arbitration, and if that Power consents it is hereby agreed that the provisions hereinbefore contained and applicable to the submission of disputes to arbitration or discussion shall be in all respects applicable to the dispute both in favor of and against such Power as if it were to this Covenant.

In case the Power not a party to this Covenant shall not accept the invitation of the Executive Council to become *ad hoc* a party, it shall be the duty of the Executive Council immediately to institute an inquiry into the circumstances and merits of the dispute involved and to recommend such joint action by the Contracting Powers as may seem best and most effectual in the circumstances disclosed.

#### ARTICLE X

If hostilities should be begun or any hostile action taken against the Contracting Power by the Power not a party to this Covenant before a decision of the dispute by arbitrators or before investigation, report and recommendation by the Executive Council in regard to the dispute, or contrary to such recommendation, the Contracting Powers engage thereupon to cease all commerce and communication with that Power and also to unite in blockading and closing the frontiers of that Power to all commerce or intercourse with any part of the world, and to employ jointly any force that may be necessary to accomplish that object. The Contracting Powers also undertake to unite in coming to the assistance of the Contracting Power against

which hostile action has been taken, and to combine their armed forces in its behalf.

#### ARTICLE XI

In case of a dispute between states not parties to this Covenant, any Contracting Power may bring the matter to the attention of the Delegates or the Executive Council, who shall thereupon tender the good offices of the League of Nations with a view to the peaceful settlement of the dispute.

If one of the states, a party to the dispute, shall offer and agree to submit its interest and cause of action wholly to the control and decision of the League of Nations, that state shall *ad hoc* be deemed a Contracting Power. If no one of the States, parties to the dispute, shall so offer and agree, the Delegates shall, through the Executive Council, of their own motion take such action and make such recommendation to their governments as will prevent hostilities and result in the settlement of the dispute.

#### ARTICLE XII

Any Power not a party to this Covenant, whose government is based upon the principle of popular self-government, may apply to the Body of Delegates for leave to become a party. If the Delegates shall regard the granting thereof as likely to promote the peace, order, and security of the World, they shall act favorably on the application, and their favorable action shall operate to constitute the Power so applying in all respects a full signatory party to this Covenant.

#### *A note by Percy as to this Article reads:*

It is also for consideration whether Article 2 of Chapter 3 of the British Draft should not be inserted and whether, as in Article 3 of Chapter 3 of the British Draft, the process of application should be left undetermined by substituting the word "League" for the words "Body of Delegates."

#### ARTICLE XIII

The Contracting Powers severally agree that the present Covenant and Convention is accepted as abrogating all treaty obligations *inter se* which are inconsistent with the terms hereof, and solemnly engage that they will not enter into any engagements inconsistent with the terms hereof.

In case any of the Powers signatory hereto or subsequently admitted to the League of Nations shall, before becoming a party to this Covenant, have undertaken any treaty obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such

Power to take immediate steps to procure its release from such obligations.

## ARTICLE XIV

The provisions of this Convention shall come into effect so soon as it has been ratified by Great Britain, the United States of America, France, Italy, and Japan.

*In lieu of re-drafting the ten "Supplementary Agreements" of President Wilson's Second Paris Draft (Document 9), Percy appended certain comments thereon which follow. For the British Draft which he mentions, see Document 10; the Supplementary British Draft regarding Mandatories is quoted in Chapter IX of Vol. 1 at p. 106 sq.; and the British Draft Convention regarding Equality of Trade Conditions is to be found in Document 4:*

In consideration of the fact that a general declaration in regard to the matters dealt with in Articles I, II and III is contained in Sub-Section 3 of Article I of the British Draft now inserted in the Preamble and in consideration of the fact that there is a Supplementary Draft of a general Convention regarding mandatories, it seems preferable to substitute this Supplementary British Draft for Articles I, II and III. This Supplementary Draft covers practically the same ground as these Articles in detailed form.

Article IV, paragraph 1, of these Supplementary Agreements has been transferred with additions to Article V.

Paragraph 2 of Article IV has been combined with Article 6 of Chapter I of the British Draft and inserted in Article IV which has now become a compendium of the duties of the Executive Council.

Article V of the Supplementary Agreements has been combined with Sub-Section 7 of Article I of the British Draft now embodied in the Preamble.

Article VI. It has been the intention of the British Draft to leave the question of racial or national minorities to be settled in the territorial treaties which are generally guaranteed by the League. This decision is based upon the fact that in some cases such minorities will demand a guarantee of *distinct* treatment in such matters as linguistic schools, while in others they will demand the equal treatment guaranteed to them by this Article VI. Moreover, if, as may be hoped, some means

can be found in the territorial treaties of committing the regulation of such questions to the joint action of the States immediately concerned—e. g. by a standing Commission of such States under an impartial chairman,—it is doubtful whether the intervention of the Great Powers, under the general provisions of the Covenant creating the League of Nations, would conduce to the smooth working of such “regional” Commissions.

It seems better therefore to omit Article VI unless and until it becomes evident that it is impossible to deal with these questions adequately in the territorial treaties.

Article VII is to a certain extent covered by a provision in the British Draft Convention regarding mandatories.

In regard to new and independent States, this is a matter of internal government which it is almost impossible for the League of Nations to supervise or enforce. It might therefore be better to omit this Article.

As regards Article VIII, it seems very doubtful whether any provision which recognizes in set terms the possibility of future wars outside those contracted on behalf of the League of Nations should be included in a Supplementary Agreement to this Covenant which will be regarded by public opinion as putting an end to future wars. The point is one with which it will perhaps be better to deal separately.

Article IX has been inserted as a new sub-section in Article I of the British Draft now embodied in the Preamble.

Article X is covered by Sub-Section (v) of Article I of the British Draft now embodied as Sub-Section (vii) in the Preamble and by the British Draft Convention dealing in detail with equality of trade conditions.

**Cecil-Miller Draft, January 27, 1919**

(*The marginal notes of Cecil regarding this draft and his suggestions of changes (see his letter of January 29, quoted Vol. I, p. 61) are indicated in this Document; the textual changes are shown by bracketing words omitted and italicizing new matter.*)

**COVENANT**

**INCORPORATING CHANGES AGREED UPON BY LORD ROBERT  
CECIL AND DAVID HUNTER MILLER, 27 JANUARY, 1919.**

**PREAMBLE**

In order to secure international peace and security by the prescription of open, just, and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, and in order to promote international cooperation, the Powers signatory to this covenant and agreement adopt this constitution of the League of Nations.

..

**ARTICLE I**

The action of the Signatory Powers under the terms of this covenant shall be effected through the instrumentality of a Body of Delegates and an Executive Council. [The Body of Delegates shall consist of Representatives of the Contracting Powers at the Capital of the League.] *The H.C.P. may appoint representatives at the Capital of the League and the Body of Delegates shall normally consist of such Representatives.* The Meetings of the Body of Delegates shall be held at the Capital of the League or elsewhere as may be from time to time determined by the Body of Delegates. At Meetings held at the Capital of the League, the Executive Council shall appoint the presiding officer of the Body. At Meetings held elsewhere the representative of the State in whose territories the Meeting is held shall be the presiding officer.

It shall be the privilege of any of the Contracting Powers to assist its representatives in the Body of Delegates and Executive Council by any method of conference, counsel, or advice that may seem best to it, and also to substitute upon occasion a special representative for its regular representative at the capital of the League.

The H. C. P. appoint the following states members of the League to constitute the *Executive* Council of the League: France, British Empire, Italy, Japan, and the United States of America. The Council may at any time co-opt additional members. Except as provided hereafter, no State shall be represented at any meeting of the Council by more than two members, *who shall be nominated by the State for that purpose.*

Meetings of the Council shall be held from time to time as occasion may require, and in any case at intervals of not more than one year.

## ARTICLE II

The Body of Delegates and the Executive Council shall regulate their own procedure and shall have power to appoint such committees as they may deem necessary to inquire into and report upon any matters that lie within the field of their action. In all matters covered by this paragraph the Body of Delegates and the Executive Council may decide by a majority of the representatives present at any meeting.

It shall be the right of the Body of Delegates, upon the initiative of any member, to discuss, either publicly or privately as it may deem best, any matter lying within the [jurisdiction] *sphere of action* of the League of Nations as defined in this covenant, or any matter likely to affect the peace of the world.

The Council shall invite any State Member of the League to send representatives to any Meeting of the Council at which matters affecting that State will be under discussion, and the State so invited shall become *ad hoc* a member of the Council; and no decision on any matter directly affecting the interests of a State Member of the League which is not represented on the Council will be binding upon any such State unless its representatives have been invited to the Meeting when the decisions in question were taken.

The Council may also invite any State Member of the League to send representatives to any Meeting of the Council whenever the Council shall consider that the work of the League would be assisted thereby.

All resolutions passed or actions taken by the Executive Council, or by the Body of Delegates [upon the recommendation of the Executive Council], except those adopted in execution of any direct powers herein granted to the Body of Delegates themselves or the Executive Council, shall have the effect of recommendations to the several Governments of the League.

The Executive Council may appoint joint committees, chosen from the Body of Delegates or consisting of specially qualified persons outside of that Body, for the study and systematic consideration

of the international questions with which the Council may have to deal, or of questions likely to lead to international complications or disputes.

The Executive Council shall appoint a permanent Secretariat and Staff. The Secretariat shall be under the general control and direction of the Chancellor of the League who shall hold office during the pleasure of the Council. The first Chancellor of the League shall be the person named in the Protocol hereto. Any successor shall be appointed by the Council. The Executive Council shall, through the Chancellor, take the necessary steps to establish and maintain close and continuous relations with the Governments of the signatory Powers, with any Governments which may be acting as mandatories of the League of Nations in any part of the world, and with any organs or agencies of international action, whether permanent or temporary, which may be established under the general sanction of the League.

#### ARTICLE II-A

The Chancellor of the League shall be assisted by such number of assistant secretaries as he may find it necessary to appoint and such further staff as he may think necessary within the limits of the expenditures which may be authorized by the Executive Council.

The Chancellor shall act as the Secretary of the Body of Delegates and of the Executive Council, and will be responsible to them for such duties as may be entrusted to him.

Representatives of the States members of the League attending meetings of the League, the representatives of the H. C. P. at the capital of the League, the Chancellor and the members of the permanent secretariat of the League, and the members of any judicial or administrative organ or of any commission of enquiry working under the sanction of the League, shall enjoy diplomatic privileges and immunities while they are engaged in the business of the League.

All buildings occupied by the League, or by any organization placed under the control of the League, or by any of its officials, or by the representatives of the H. C. P. at the capital of the League shall enjoy the benefits of extra-territoriality.

The Secretariat of the League shall be established at. . . . . This City shall constitute the capital of the League.

The meetings of the Body of Delegates and of the Council shall be held at the capital of the League, or in such other place as may be determined by them.

[Each of the H. C. P. may maintain a representative at the capital of the League.]

The expenses of the League, other than those occasioned by meetings of the Council of the League, shall be borne by the States

members of the League, in accordance with the distribution among the members of the Postal Union of the expenses of the International Postal Bureau. The expenses occasioned by meetings of the Council of the League shall be divided equally among the States represented on the Council.

The British Dominions (Australia, Canada, *Newfoundland*, South Africa, and New Zealand) and India shall be *separately* represented.

#### ARTICLE II-B

The Body of Delegates shall appoint Commissions to study and report on economic, sanitary, and other similar problems of international concern, and the Body of Delegates shall recommend to the High Contracting Powers such action as these reports may show to be necessary or desirable.

#### ARTICLE III

The High Contracting Powers undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the League.

If at any time it should appear that any feature of the settlement made by this covenant and by the present treaties of peace no longer conforms to the requirements of the situation, the League shall take the matter under consideration and may recommend to the parties any modification which it may think necessary. If such recommendation is not accepted by the parties affected, the States, members of the League, shall cease to be under any obligation in respect of the subject matter of such recommendation.

In considering any such modification the League shall take into account changes in the present conditions and aspirations of peoples or present social and political relations, pursuant to the principle, which the High Contracting Powers accept without reservation, that Governments derive their just powers from the consent of the governed.

#### ARTICLE IV

The Contracting Powers recognize the principle that the establishment and maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Executive Council is directed to formulate at once after expert inquiry plans by which such a reduction may be brought about. The plan so formulated shall be binding when, and only

when, unanimously approved by the Governments signatory to this Covenant, but when so approved, it shall not be departed from by any signatory without the consent of all.

As the basis for such a reduction of armaments, all the High Contracting Powers hereby agree to abolish conscription and all other forms of compulsory military service, and also agree that their future forces of defense and of international action shall consist of militia or volunteers, whose numbers and methods of training shall be fixed, after expert inquiry, by the agreements with regard to the reduction of armaments referred to in the last preceding paragraph.

The Executive Council shall also determine for the consideration and action of the several governments what direct military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Body of Delegates.

The Contracting Powers further agree that there shall be full and frank publicity as to all national armaments and military or naval programmes.

#### ARTICLE V

The Contracting Powers jointly and severally agree that should disputes or difficulties arise between or among them which cannot be satisfactorily settled or adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council [of] *or* the Body of Delegates or until three months after the award by the arbitrators or a [decision] *recommendation* by the Executive Council; and that they will not even then resort to armed force as against a member of the League of Nations who complies with the award of the arbitrators or the [decision] *recommendation* of the Executive Council.

The Powers signatory to this Covenant undertake and agree that whenever any dispute or difficulty shall arise between or among them, which the parties to the dispute recognize to [be with regard] *relate* to any question of the law of nations, with regard to the interpretation of a treaty, as to any fact which would, if established, constitute a breach of international obligation, or as to any alleged damage and the nature and measure of the reparation to be made therefor, if such dispute or difficulty cannot be satisfactorily settled by the ordinary processes of negotiation, [to] *they will* submit the whole subject matter to arbitration and [to] *will* carry out in full good faith any award or decision that may be rendered.

In case of arbitration, pending the creation of a permanent court of international justice and in the absence of provisions in any agree-

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ment between the parties to the dispute prescribing the constitution of the court to which the dispute shall be submitted, the matter or matters at issue shall be referred to three arbitrators, one of the three to be selected by each of the parties to the dispute, from outside their own nations, when there are but two such parties, and the third by the two thus selected. When there are more than two parties to the dispute, one arbitrator shall be named by each of the several parties and the arbitrators thus named shall add to their number others of their own choice, the number thus added to be limited to the number which will suffice to give a deciding voice to the arbitrators thus added in case of a division among the arbitrators chosen by the contending parties. In case the arbitrators chosen by the contending parties cannot agree upon an additional arbitrator or arbitrators, the additional arbitrator or arbitrators shall be chosen by the Executive Council.

Fourth Paragraph—Reserved.

Fifth Paragraph—Reserved.

If there should arise between States members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration under paragraphs two and three of this article, they shall apply to the Executive Council to take the matter under consideration for such mediatory action or recommendation as it may deem wise in the circumstances. The Council shall immediately accept the reference and the Chancellor shall give notice to the parties and shall make the necessary arrangements for a full hearing, investigation, and consideration. The party upon whose demand the matter has been referred to the League shall file with the Chancellor of the League a statement of its case, with all the facts and papers relevant to the dispute. The party against whom the complaint is made shall be invited by the Chancellor to file a statement of its case, with all relevant facts and papers. The Chancellor shall forthwith publish the statements of the parties. The H.C.P. agree that, in the case of the reference of any dispute to the League under this Article, they will each, whether parties to the dispute or not, place at the disposal of the Council to the fullest possible extent all the information in their possession which bears upon the questions under discussion. The Council shall ascertain and as soon as possible make public all the facts involved in the dispute and shall make such recommendations as it may deem wise and practicable, based on the merits of the controversy and calculated to secure a just and lasting settlement. The Executive Council shall do everything in its power by way of mediation or conciliation to bring about a peaceful settlement. The decisions of the Executive Council shall be addressed to the disputants and shall not have the force of a binding verdict. Should the Executive Council fail to arrive at any conclusion, it shall be the privilege

<sup>1</sup> The "appeal suggestion" quoted Vol. I, p. 62 sq.

of the members of the Executive Council to publish their several conclusions or recommendations; and such publications shall not be regarded as an unfriendly act by either or any of the disputants. Where the efforts of the Council have led to the settlement of the dispute, a statement shall be prepared for publication indicating the nature of the dispute and the terms of settlement, together with such explanation as may be appropriate. If the dispute has not been settled, the report of the Council [to the H.C.P.] shall be published. This report shall set forth, with all necessary facts and explanations, the recommendations which the Council think just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the Council, other than the parties to the dispute, the H.C.P. hereby agree that none of them will go to war with any party which complies with its provisions. If no unanimous report can be made it shall be the duty of the majority to issue a report indicating what they believe to be the facts and containing the recommendations which they consider just and proper. In the event of any State represented on the Council or of any party to the dispute notifying the Chancellor within a period of 14 days after the demand for reference to the League that in its opinion the dispute is one which should be referred to the Body of Delegates, the Chancellor shall refer the matter to that Body. In addition the Council may at any time in the course of its investigation of a dispute or within the period of three months after the making of its report refer the consideration of the dispute to the Body of Delegates. In such cases all the relevant provisions of this Article regarding the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates.

Every award by arbitrators and every decision by the Executive Council upon a matter in dispute between States must be rendered within six months after formal reference.

#### ARTICLE VI

Should any contracting power break or disregard its covenants under Article v, it shall thereby *ipso facto* be deemed to have committed an act of war against all the members of the League, which shall immediately subject it to a complete economic and financial boycott, including the severance of all trade or financial relations, the prohibition of all intercourse between their subjects and the subjects of the covenant-breaking State, and the prevention, so far as possible, of all financial, commercial, or personal intercourse between the subjects of the covenant-breaking State and the subjects of any other State, whether a member of the League of Nations or not.

It shall be the duty of the Executive Council in such a case to recommend what effective military or naval force the members of

the League of Nations shall severally contribute, and to advise, if it should think best, that the smaller members of the League be excused from making any contribution to the armed forces to be used against the covenant-breaking State.

The H.C.P. agree, further, that they will mutually support one another in the financial and economic measures which they are bound to take under this Article in order to minimize the loss and inconvenience resulting therefrom, and that they will mutually support one another in resisting any special measures aimed at one of their number by the State with which relations have been broken off, and that they will afford passage through their territory to the armed forces of any of the H.C.P. who are co-operating to resist the breach of the preceding Article.

The covenant-breaking State shall, after the restoration of peace, be subject to the regulations with regard to a peace establishment provided for new States under the terms of Supplementary Article IV.

#### ARTICLE VII

Omitted.

#### ARTICLE VIII

Any war or threat of war, whether immediately affecting any of the Contracting Powers or not, is hereby declared a matter of concern to the League of Nations and to all the Powers signatory hereto, and those Powers hereby reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the nations signatory or adherent to this Covenant to draw the attention of the Body of Delegates or of the Executive Council to any circumstances anywhere which threaten to disturb international peace or the good understanding between nations upon which peace depends.

#### ARTICLE IX

In the event of a dispute arising between one of the Contracting Powers and a Power not a party to this Covenant, the Contracting Power involved hereby binds itself to endeavor to obtain the submission of the dispute to arbitration. If the other Power will not agree to submit the dispute to arbitration, the Contracting Power shall bring the matter to the attention of the Executive Council. The Council shall in such case, in the name of the League of Nations, invite the Power not a party to this Covenant to become *ad hoc* a party, and if that Power consents it is hereby agreed that the provisions hereinbefore contained and applicable to the submission of dis-

putes to arbitration or discussion shall be in all respects applicable to the dispute both in favor of and against such Power as if it were a party to this Covenant.

In case the Power not a party to this Covenant shall not accept the invitation of the Executive Council to become *ad hoc* a party, it shall be the duty of the Executive Council immediately to institute an inquiry into the circumstances and merits of the dispute involved and to recommend such joint action by the Contracting Powers as may seem best and most effectual in the circumstances disclosed.

#### ARTICLE X

If hostilities should be begun or any hostile action taken against the Contracting Power by the Power not a party to this Covenant before a decision of the dispute by arbitrators or before investigation, report and recommendation by the Executive Council in regard to the dispute, or contrary to such decision or recommendation, the Contracting Powers engage thereupon to cease all commerce and communication with that Power and also to unite in blockading and closing the frontiers of that Power to all commerce or intercourse with any part of the world, and to employ jointly any force which may be agreed upon in accordance with Article VI to accomplish that object. The Contracting Powers also undertake to unite in coming to the assistance of the Contracting Power against which hostile action has been taken, and to combine their armed forces in its behalf.

#### ARTICLE XI

In case of a dispute between States not parties to this Covenant, any Contracting Power may bring the matter to the attention of the Delegates or the Executive Council, who shall thereupon tender the good offices of the League of Nations with a view to the peaceable settlement of the dispute.

If one of the States, a party to the dispute, shall offer and agree to submit its interests and course of action wholly to the control and decision of the League of Nations, that State shall *ad hoc* be deemed a Contracting Power. If no one of the States, parties to the dispute, shall so offer and agree, the Delegates shall, through the Executive Council, of their own motion take such action and make such recommendation to their governments as will prevent hostilities and result in the settlement of the dispute.

#### ARTICLE XII

Any Power not a party to this Covenant may apply to the Body of Delegates for leave to become a party. If the Delegates shall

regard the granting thereof as likely to promote the peace, order, and security of the World, they shall act favorably on the application, and their favorable action shall operate to constitute the Power so applying in all respects a full signatory party to this Covenant. This action shall require the affirmative vote of two-thirds of the Delegates.

#### ARTICLE XIII

The Contracting Powers severally agree that the present Covenant and Convention is accepted as abrogating all treaty obligations *inter se* which are inconsistent with the terms hereof, and solemnly engaged that they will not enter into any engagements inconsistent with the terms hereof.

In case any of the Powers signatory hereto or subsequently admitted to the League of Nations shall, before becoming a party to this Covenant, have undertaken any treaty obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

#### SUPPLEMENTARY AGREEMENTS

##### I, II, III

Reserved.

##### IV

No new State shall be recognized by the League or admitted into its membership except on condition that its military and naval forces and armaments shall conform to standards prescribed by the League in respect of it from time to time.

The League of Nations is empowered, directly and without right of delegation, to watch over the relations *inter se* of all new independent States arising or created and shall assume and fulfil the duty of conciliating and composing differences between them with a view to the maintenance of settled order and the general peace.

##### V

The High Contracting Powers will work to establish and maintain fair hours and humane conditions of labour for all those within their several jurisdictions and they will exert their influence in favour of the adoption and maintenance of a similar policy and like safeguards wherever their industrial and commercial relations extend. Also they will appoint Commissions to study conditions of industry and labour in their international aspects and to make recommendations thereon, including the extension and improvement of existing conventions.

## VI

Reserved.

## VII

Recognizing religious persecution and intolerance as fertile sources of war, the Powers signatory hereto agree, and the League of Nations shall exact from all new States and all States seeking admission to it the promise, that they will make no law prohibiting or interfering with the free exercise of religion, and that they will in no way discriminate, either in law or in fact, against those who practise any particular creed, religion, or belief whose practices are not inconsistent with public order or public morals.

## VIII

Reserved.

## IX

The High Contracting Powers agree that any treaty or International engagement entered into between States members of the League, shall be forthwith registered with the Chancellor and as soon as possible published by him.

## X

Reserved.

**Revision of Mr. Hurst**

*(Except as specifically mentioned in the text (Vol. I, p. 68 sqq.), this is all that I now have of the Hurst revision. The Article numbers here have, where necessary, been changed so as to correspond with those of the Hurst-Miller Draft.)*

**ARTICLE I**

The action of the H. C. P. under the terms of this Covenant shall be effected through the instrumentality of meetings of Delegates representing all the H.C.P., through meetings at more frequent intervals of an Executive Council representing the States more immediately concerned in the matters under discussion, and through a permanent international Secretariat to be established at the capital of the League.

**ARTICLE II**

Meetings of the Body of Delegates shall be held from time to time as occasion may require for the purpose of dealing with matters within the jurisdiction of the League.

Meetings of the Body of Delegates shall be held at the Capital of the League or at such other place as may be found convenient and shall consist of not more than two representatives of each of the H.C.P.

All matters of procedure at meetings of the Body of Delegates, including the appointment of committees to investigate particular matters, shall be regulated by the Body of Delegates itself and may be decided by a majority of the representatives present at a meeting.

**ARTICLE III**

The representatives of the States members of the League directly affected by any matter within the sphere of action of the League will meet as an Executive Council from time to time as occasion may require, and in any case at intervals of not more than one year.

The United States of America, Great Britain, France, Italy and Japan shall be deemed to be directly affected in all matters within the sphere of action of the League. Invitations will be sent to any Power whose interests are directly affected, and no decision taken at any such meeting will be binding on a State which was not invited to be represented at the meeting.

Such meetings will be held at whatever place may be decided on, or failing any such decision at the capital of the League, and any

matter affecting the interests of the League or relating to matters within its sphere of action or likely to affect the peace of the world may be dealt with.

## ARTICLE IV

The permanent Secretariat of the League of Nations shall be established at....., which shall constitute the capital of the League. The Secretariat shall comprise such secretaries and staff as may be required under the general direction and control of a Chancellor of the League by whom they shall be appointed.

The Chancellor shall act as Secretary at all meetings of the Body of Delegates or at Council meetings.

The expenses of the Secretariat shall be borne by the States members of the League in accordance with the distribution among members of the Postal Union of the expenses of the International Postal Union.

## ARTICLE VI

Admission to the League of States who are not signatories of this Covenant requires the assent of the other H.C.P.

*(alternatively)* the assent of not less than two-thirds of a meeting of the Body of Delegates.

## ARTICLE X

The H.C.P. agree that should disputes arise between them which cannot be adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to enquiry by the Executive Council or until three months after the award by the arbitrators or a recommendation by the Executive Council; and that they will not even then resort to armed force as against a member of the League who complies with the award of the arbitrators or the recommendation of the Executive Council.

## ARTICLE XIII

If there should arise between States members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as above, the H.C.P. agree that they will refer the matter to the Executive Council, and either party to the dispute may give notice to the Chancellor of the existence of the dispute, and the Chancellor will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties agree to com-

municate to the Chancellor statements of their case with all the relevant facts and papers.

Where the efforts of the Council lead to the settlement of the dispute, a statement shall be prepared for publication indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate. If the dispute has not been settled, a report by the Council shall be published. This report shall set forth, with all necessary facts and explanations, the recommendations which the Council think just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the Council, other than the parties to the dispute, the H.C.P. agree that none of them will go to war with any party which complies with its recommendations. If no such unanimous report can be made, it shall be the duty of the majority to issue a statement indicating what they believe to be the facts and containing the recommendations which they consider to be just and proper.

The Executive Council may in any case under this Article refer the dispute to the Body of Delegates. This dispute shall be so referred at the request of either party to the dispute. In any case referred to the Body of Delegates all the provisions of this Article relating to the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates.

#### ARTICLE XV

##### (Paragraphs 1 to 3 only)

In the event of disputes between one State member of the League and another State which is not a member of the League, or between States not members of the League, the H.C.P. agree that the State or States not members of the League shall be invited to become members of the League *ad hoc*, and the above provisions shall be applied with such modifications as may be deemed necessary by the League.

Upon such invitation being given the Executive Council shall immediately institute an inquiry into the circumstances and merits of the dispute involved and recommend such action as may seem best and most effectual in the circumstances disclosed.

In the event of the Power so invited refusing to become *ad hoc* a member of the League, and taking any action which in the case of a State member of the League would constitute a breach of Article x, the provisions of Article xiv shall be applicable as against the State taking such hostile action.

**Wilson's Fourth Draft or Third Paris Draft, February 2, 1919**

COVENANT

PREAMBLE

In order to secure international peace and security by the acceptance of obligations not to resort to the use of armed force, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, and in order to promote international cooperation, the Powers signatory to this Covenant adopt this constitution of the League of Nations.

ARTICLE I

The action of the Contracting Powers under the terms of this Covenant shall be effected through the instrumentality of a Body of Delegates which shall consist of the diplomatic representatives of the Contracting Powers accredited to X and the Minister of Foreign Affairs of X. The meetings of the Body of Delegates shall be held at the seat of government of X, and the Minister for Foreign Affairs of X shall be the presiding officer.

Whenever the Delegates deem it necessary or advisable, they may meet temporarily at the seat of government of Y or Z, in which case the diplomatic representative to X, of the country in which the meeting is held shall be the presiding officer *pro tempore*.

It shall be the privilege of any of the Contracting Powers to assist its representative in the Body of Delegates by any method of conference, counsel, or advice that may seem best to it, and also to be represented at any time by a special representative.

ARTICLE II

The Body of Delegates shall regulate their own procedure and shall have power to appoint such committees as they may deem necessary to inquire into and report upon any matters that lie within the field of their action.

It shall be the right of the Body of Delegates, upon the initiative of any member, to discuss, either publicly or privately as it may deem best, any matter lying within the field of action of the League of Nations as defined in this Covenant, or any matter likely to affect

the peace of the world; but all actions of the Body of Delegates taken in the exercise of the functions and powers granted to them under this Covenant shall be formulated and agreed upon by an Executive Council, which shall act either by reference or upon its own initiative and which shall consist of the representatives of the Great Powers, together with representatives drawn in annual rotation from two panels, one of which shall be made up of the representatives of the States ranking next after the Great Powers and the others of the representatives of the minor States (a classification which the Body of Delegates shall itself establish and may from time to time alter), such a number being drawn from these panels as will be but one less than the representatives of the Great Powers; and three or more negative votes in the Council shall operate as a veto upon any action or resolution proposed.

All resolutions passed or actions taken by the Body of Delegates or by the Executive Council, except those adopted in execution of any specific powers herein granted, shall have the effect of recommendations to the several governments of the League.

The Executive Council shall appoint a permanent Secretariat and staff and may appoint joint committees, chosen from the Body of Delegates or consisting of other specially qualified persons, for the study and systematic consideration of the international questions with which the Council may have to deal, or of questions likely to lead to international complications or disputes. The Executive Council shall also take the necessary steps to establish and maintain proper liaison both with the foreign offices of the Contracting Powers and with any governments or agencies which may be acting as mandatories of the League in any part of the world.

#### ARTICLE III

The Contracting Parties undertake to respect and to protect as against external aggression the political independence and territorial integrity of all States members of the League.

#### ARTICLE IV

The Contracting Powers recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Executive Council shall formulate plans for effecting such reduction. It shall also inquire <sup>1</sup> into the feasibility of abolishing compulsory military service and the substitution therefor of forces enrolled upon a voluntary basis and into the military and naval equipment which it is reasonable to maintain.

<sup>1</sup> In the original print this was "require."

The Executive Council shall also determine for the consideration and action of the several governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Body of Delegates.

The Contracting Powers further agree that munitions and implements of war shall not be manufactured by private enterprise and that there shall be full and frank publicity as to all national armaments and military or naval programmes.

#### ARTICLE V

The Contracting Powers agree that should disputes or difficulties arise between or among them which cannot be satisfactorily settled or adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council and until there has been an award by the arbitrators or a recommendation by the Executive Council; and that they will not even then resort to armed force as against a member of the League of Nations who complies with the award of the arbitrators or the recommendation of the Executive Council.

The Contracting Powers agree that whenever any dispute or difficulty shall arise between or among them with regard to any question of the law of nations, with regard to the interpretation of a treaty, as to any fact which would, if established, constitute a breach of international obligation, or as to any alleged damage and the nature and measure of the reparation to be made therefor, if such dispute or difficulty cannot be satisfactorily settled by the ordinary processes of negotiation, to submit the whole subject matter to arbitration and to carry out in full good faith any award or decision that may be rendered.

In case of arbitration, the matter or matters at issue shall be referred to arbitrators, one of whom shall be selected by each of the parties to the dispute from outside their own nationals, when there are but two such parties, and a third by the two thus selected. When there are more than two parties to the dispute, one arbitrator shall be named by each of the several parties and the arbitrators thus named shall add to their number others of their own choice, the number thus added to be limited to the number which will suffice to give a deciding vote to the arbitrators thus added in case of a division among the arbitrators chosen by the contending parties. In case the arbitrators chosen by the contending parties cannot agree upon an additional arbitrator or arbitrators, the additional arbitrator or arbitrators shall be chosen by the Executive Council.

On the appeal of a party to the dispute the decision of said arbitrators may be set aside by a vote of three-fourths of the Delegates, in case the decision of the arbitrators was unanimous, or by a vote of two-thirds of the Delegates in case the decision of the arbitrators was not unanimous, but unless thus set aside shall be finally binding and conclusive.

When any decision of arbitrators shall have been thus set aside, the dispute shall again be submitted to arbitrators chosen as heretofore provided, none of whom shall, however, have previously acted as arbitrators in the dispute in question, and the decision of the arbitrators rendered in this second arbitration shall be finally binding and conclusive without right of appeal.

If for any reason it should prove impracticable to refer any matter in dispute to arbitration, the parties to the dispute shall apply to the Executive Council to take the matter under consideration for such mediatory action or recommendation as it may deem wise in the circumstances. The Council shall immediately accept the reference and give notice to the parties, and shall make the necessary arrangements for a full hearing, investigation and consideration. The Council shall ascertain and as soon as possible make public all the facts involved in the dispute and shall make such recommendation as it may deem wise and practicable based on the merits of the controversy and calculated to secure a just and lasting settlement. Other members of the League shall place at the disposal of the Executive Council any and all information that may be in their possession which in any way bears upon the facts or merits of the controversy; and the Executive Council shall do everything in its power by way of mediation or conciliation to bring about a peaceful settlement. The recommendation of the Executive Council shall be addressed to the disputants. Should the Executive Council fail to arrive at any conclusion, it shall be the privilege of the members of the Executive Council to publish their several conclusions or recommendations; and such publications shall not be regarded as an unfriendly act by any of the disputants.

The Executive Council may in any case refer the consideration of a dispute to the Body of Delegates. The consideration of the dispute shall be so referred at the request of either party to the dispute. In any case referred to the Body of Delegates all the provisions of this Article relating to the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates.

#### ARTICLE VI

Should any Contracting Power be found by the League to have broken or disregarded its covenants under ARTICLE V, it shall

thereby *ipso facto* be deemed to have committed an act of war against all the members of the League, which shall immediately subject it to a complete economic and financial boycott, including the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention, so far as possible, of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the League or not.

It shall be the duty of the Executive Council in such a case to recommend what effective military or naval force the members of the League shall severally contribute, and to advise, if it should think best, that the smaller members of the League be excused from making any contribution to the armed forces to be used against the covenant-breaking State.

The covenant-breaking State shall, after the restoration of peace, be subject to the regulations with regard to a peace establishment provided for new States under the terms SUPPLEMENTARY ARTICLE IV.

#### ARTICLE VII

If any Contracting Power shall be found by the League to have declared war or to have begun hostilities or to have taken any hostile step short of war, against another Contracting Power before submitting the dispute involved to arbitrators or consideration by the Executive Council as herein provided, or to have declared war or to have begun hostilities or to have taken any hostile step short of war, in regard to any dispute which has been decided adversely to it by arbitrators the Contracting Powers hereby engage not only to cease all commerce and intercourse with that Power but also to unite in blockading and closing the frontiers of that Power to commerce or intercourse with any part of the world and to use any force which may be agreed upon to accomplish that object.

#### ARTICLE VIII

Any war or threat of war, whether immediately affecting any of the Contracting Powers or not, is hereby declared a matter of concern of the League and to all the Contracting Powers, and the Contracting Powers hereby reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the Contracting Powers to draw the attention of the Body of Delegates or of the Executive Council to any circumstances any-

where which threaten to disturb international peace or the good understanding between nations upon which peace depends.

The Body of Delegates and the Executive Council shall meet in the interest of peace whenever war is rumored or threatened, and also whenever the representative of any Power shall inform the Body of Delegates that a meeting and conference in the interest of peace is advisable.

The Body of Delegates may also meet at such other times and upon such other occasions as they shall from time to time deem best and determine.

#### ARTICLE IX

In the event of a dispute arising between one of the Contracting Powers and a Power not a party to this Covenant, the Contracting Power shall bring the matter to the attention of the Executive Council. The Executive Council shall in such a case, in the name of the League, invite the Power not a party to this Covenant to become *ad hoc* a party, and if that Power consents it is hereby agreed that the provisions hereinbefore contained and applicable to the submission of disputes to arbitration or to consideration shall be in all respects applicable to the dispute both in favor of and against such Power as if it were a party to this Covenant.

In case the Power not a party to this Covenant shall not accept the invitation of the Executive Council to become *ad hoc* a party, it shall be the duty of the Executive Council immediately to institute an inquiry into the circumstances and merits of the dispute involved and to recommend such joint action by the Contracting Powers as may seem best and most effectual in the circumstances disclosed.

#### ARTICLE X

If hostilities should be begun or any hostile action taken against the Contracting Power by the Power not a party to this Covenant before a decision of the dispute by arbitrators or before investigation, report and recommendation by the Executive Council in regard to the dispute, or contrary to such recommendation, the Contracting Powers engage thereupon to cease all commerce and communication with that Power and also to unite in blockading and closing the frontiers of that Power to all commerce or intercourse with any part of the world, and to employ jointly any force which may be agreed upon to accomplish that object. The Contracting Powers also undertake to unite in coming to the assistance of the Contracting Power against which hostile action has been taken, and to combine their armed forces in its behalf.

## ARTICLE XI

In case of a dispute between states not parties to this Covenant, any Contracting Power may bring the matter to the attention of the Body of Delegates or the Executive Council, who shall thereupon tender the good offices of the League with a view to the peaceable settlement of the dispute.

If one of the states, a party to the dispute, shall offer and agree to submit its interests and cause of action wholly to the control and decision of the League, that state shall *ad hoc* be deemed a Contracting Power. If no one of the states, parties to the dispute, shall so offer and agree, the Body of Delegates shall through the Executive Council or of its own motion take such action and make such recommendation to the governments as will prevent hostilities and result in the settlement of the dispute.

## ARTICLE XII

Any Power not a party to this Covenant, whose government is based upon the principle of popular self-government, may apply to the Body of Delegates for leave to become a party. If the Body of Delegates shall regard the granting thereof as likely to promote the peace, order, and security of the World, they shall act favorably on the application, and their favorable action shall operate to constitute the Power so applying in all respects a full signatory party to this Covenant. This action shall require the affirmative vote of two-thirds of the Body of Delegates.

## ARTICLE XIII

The Contracting Powers severally agree that the present Covenant is accepted as abrogating all treaty obligations *inter se* which are inconsistent with the terms hereof, and solemnly engage that they will not enter into any engagements inconsistent with the terms hereof.

In case any of the Powers signatory hereto or subsequently admitted to the League shall, before becoming a party to this Covenant, have undertaken any treaty obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

## SUPPLEMENTARY AGREEMENTS

## I

To the colonies formerly part of the German Empire, and to those territories formerly belonging to Turkey which include Ar-

menia, Kurdistan, Syria, Mesopotamia, Palestine and Arabia, which are inhabited by peoples not able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in the constitution of the League.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and that this tutelage should be exercised by them as mandataries on behalf of the League.

The character of the mandate must differ according to the stage of development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

## II

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a mandatory power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory power.

Other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory subject to conditions which will guarantee the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other members of the League.

There are territories, such as South-west Africa and certain of the Islands in the South Pacific, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the mandatory state, and other circumstances, can be best administered under the laws of the mandatory state as if integral portions thereof, subject to the safeguards above-mentioned in the interests of the indigenous population.

## III

In every case of mandate, the mandatory state shall render to the League an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory State or agency shall in each case be explicitly defined by the Executive Council in a special Act or Charter which shall reserve to the League complete power of supervision, and which shall also reserve to the people of any such territory or governmental unit the right to appeal to the League for the redress or correction of any breach of the mandate by the mandatory State or agency or for the substitution of some other State or agency, as mandatory.

The object of all such tutelary oversight and administration on the part of the League of Nations shall be to build up in as short a time as possible out of the people or territory under its guardianship a political unit which can take charge of its own affairs, determine its own connections, and choose its own policies. The League may at any time release such people or territory from tutelage and consent to its being set up as an independent unit. It shall also be the right and privilege of any people or territory to petition the League to take such action, and upon such petition being made it shall be the duty of the League to take the petition under full and friendly consideration with a view of determining the best interests of the people or territory in question in view of all circumstances of their situation and development.

#### IV

No new State shall be recognized by the League or admitted into its membership except on condition that its military and naval forces and armaments shall conform to standards prescribed by the League in respect of it from time to time.

#### V

The Contracting Powers will work to establish and maintain fair hours and humane conditions of labor for all those within their several jurisdictions and they will exert their influence in favor of the adoption and maintenance of a similar policy and like safeguards wherever their industrial and commercial relations extend. Also they will appoint Commissions to study conditions of industry and labor in their international aspects and to make recommendations thereon, including the extension and improvement of existing conventions.

#### VI

The League shall require all new States to bind themselves as a condition precedent to their recognition as independent or autonomous States and the Executive Council shall exact of all States seeking admission to the League, the promise to accord to all racial or national minorities within their several jurisdictions exactly the same

treatment and security, both in law and in fact, that is accorded the racial or national majority of their people.

#### VII

Recognizing religious persecution and intolerance as fertile sources of war, the Contracting Powers agree, and the League shall exact from all new States and all States seeking admission to it the promise that they will make no law prohibiting or interfering with the free exercise of religion, and that they will in no way discriminate, either in law or in fact, against those who practice any particular creed, religion, or belief whose practices are not inconsistent with public order or public morals.

#### VIII

When the rights of belligerents on the high seas outside territorial waters shall have been defined by international convention, it is hereby agreed and declared as a fundamental Covenant that no Power or combination of Powers shall have a right to overstep in any particular the clear meaning of the definitions thus established; but that it shall be the right of the League from time to time and on special occasion to close the seas in whole or in part against a particular Power or Powers for the purpose of enforcing the international Covenants here entered into.

#### IX

It is hereby covenanted and agreed by the Contracting Powers that no treaty entered into by them shall be regarded as valid, binding, or operative until it shall have been published and made known to all the other States members of the League.

#### X

It is further covenanted and agreed by the Contracting Powers that in their fiscal and economic regulations and policy no discrimination shall be made between one nation and another among those with which they have commercial and financial dealings.

**Plenary Session of the Peace Conference, January 25, 1919**

*Extracts from the Minutes. The speeches are in English or French, as delivered.*

The first Commission to be nominated concerns the League of Nations, on the subject of which the Bureau presents a draft resolution which has been distributed, in English and French, to all the members of the Conference.

The discussion is opened on the question of the League of Nations.

The President of the United States delivers the following speech:

I consider it a distinguished privilege to open the discussion in this Conference on the League of Nations. We have assembled for two purposes—to make the present settlements which have been rendered necessary by this war, and also to secure the peace of the world, not only by the present settlements but by the arrangements we shall make in this Conference for its maintenance. The League of Nations seems to me to be necessary for both of these purposes. There are many complicated questions connected with the present settlements which, perhaps, cannot be successfully worked out to an ultimate issue by the decisions we shall arrive at here. I can easily conceive that many of these settlements will need subsequent reconsideration; that many of the decisions we shall make will need subsequent alterations in some degree, for if I may judge by my own study of some of these questions they are not susceptible of confident judgments at present.

It is, therefore, necessary that we should set up some machinery by which the work of this Conference should be rendered complete. We have assembled here for the purpose of doing very much more than making the present settlement. We are assembled under very peculiar conditions of world opinion. I may say without straining the point that we are not representatives of governments, but representatives of peoples. It will not suffice to satisfy governmental circles anywhere. It is necessary that we should satisfy the opinion of mankind. The burdens of this war have fallen in an unusual degree upon the whole population of the countries involved. I do not need to draw for you the picture of how the burden has been thrown back from the front upon the older men, upon the women, upon the children, upon the homes of the civilized world, and how the real strain of the war has come where the eye of government could not reach, but where the heart of humanity beats. We are bidden by these people to make a peace which will make them secure. We are bidden by these people

to see to it that this strain does not come upon them again, and I venture to say that it has been possible for them to bear this strain because they hope that those who represented them could get together after this war, and make such another sacrifice unnecessary.

It is a solemn obligation on our part, therefore, to make permanent arrangements that justice shall be rendered and peace maintained. This is the central object of our meeting. Settlements may be temporary, but the actions of the nations in the interests of peace and justice must be permanent. We can set up permanent processes. We may not be able to set up permanent decisions, and therefore, it seems to me that we must take, so far as we can, a picture of the world into our minds. Is it not a startling circumstance for one thing that the great discoveries of science, that the quiet study of men in laboratories, that the thoughtful developments which have taken place in quiet lecture-rooms, have now been turned to the destruction of civilisation? The powers of destruction have not so much multiplied as gained facility. The enemy whom we have just overcome had at its seats of learning some of the principal centres of scientific study and discovery, and used them in order to make destruction sudden and complete; and only the watchful, continuous co-operation of men can see to it that science, as well as armed men, is kept within the harness of civilisation.

In a sense, the United States is less interested in this subject than the other nations here assembled. With her great territory and her extensive sea borders, it is less likely that the United States should suffer from the attack of enemies than that many of the other nations here should suffer; and the ardour of the United States—for it is a very deep and genuine ardour—for the Society of Nations is not an ardour springing out of fear and apprehension, but an ardour springing out of the ideals which have come to consciousness in the war. In coming into this war the United States never thought for a moment that she was intervening in the politics of Europe, or the politics of Asia, or the politics of any part of the world. Her thought was that all the world had now become conscious that there was a single cause which turned upon the issues of this war. That was the cause of justice and liberty for men of every kind and place. Therefore, the United States would feel that her part in this war had been played in vain if there ensued upon it merely a body of European settlements. She would feel that she could not take part in guaranteeing those European settlements unless that guarantee involved the continuous superintendence of the peace of the world by the associated nations of the world.

Therefore, it seems to me that we must concert our best judgment in order to make this League of Nations a vital thing—not merely a formal thing, not an occasional thing, not a thing sometimes called into life to meet an exigency, but always functioning in watchful attendance upon the interests of the nations, and that its continuity should be a vital continuity; that it should have functions that are continuing functions and that do not permit an

intermission of its watchfulness and of its labour; that it should be the eye of the nation to keep watch upon the common interest, an eye that does not slumber, an eye that is everywhere watchful and attentive.

And if we do not make it vital, what shall we do? We shall disappoint the expectations of the peoples. This is what their thought centres upon. I have had the very delightful experience of visiting several nations since I came to this side of the water, and every time the voice of the body of the people reached me through any representative, at the front of its plea stood the hope for the League of Nations. Gentlemen, select classes of mankind are no longer the governors of mankind. The fortunes of mankind are now in the hands of the plain people of the whole world. Satisfy them, and you have justified their confidence not only, but established peace. Fail to satisfy them, and no arrangement that you can make would either set up or steady the peace of the world.

You can imagine, gentlemen, I dare say, the sentiments and the purpose with which representatives of the United States support this great project for a League of Nations. We regard it as the keystone of the whole programme which expressed our purpose and our ideal in this war and which the Associated Nations have accepted as the basis of the settlement. If we return to the United States without having made every effort in our power to realize this programme, we should return to meet the merited scorn of our fellow-citizens. For they are a body that constitutes a great democracy. They expect their leaders to speak their thoughts and no private purpose of their own. They expect their representatives to be their servants. We have no choice but to obey their mandate. But it is with the greatest enthusiasm and pleasure that we accept that mandate; and because this is the keystone of the whole fabric, we have pledged our every purpose to it, as we have to every item of the fabric. We would not dare abate a single part of the programme which constitutes our instructions. We would not dare compromise upon any matter as the champion of this thing—this peace of the world, this attitude of justice, this principle that we are masters of no people but are here to see that every people in the world shall choose its own master and govern its own destinies, not as we wish but as it wishes. We are here to see, in short, that the very foundations of this war are swept away. Those foundations were the private choice of small coteries of civil rulers and military staffs. Those foundations were the aggression of great Powers upon small. Those foundations were the holding together of empires of unwilling subjects by the duress of arms. Those foundations were the power of small bodies of men to work their will upon mankind and use them as pawns in a game. And nothing less than the emancipation of the world from these things will accomplish peace. You can see that the representatives of the United States are, therefore, never put to the embarrassment of choosing a way of expediency, because they have laid down for them their unalterable lines of principle. And, thank God, those lines have been accepted as the

lines of settlement by all the high-minded men who have had to do with the beginnings of this great business.

I hope, Mr. Chairman, that when it is known, as I feel confident that it will be known, that we have adopted the principle of the League of Nations and mean to work out that principle in effective action, we shall by that single thing have lifted a great part of the load of anxiety from the hearts of men everywhere. We stand in a peculiar case. As I go about the streets here I see everywhere the American uniform. Those men came into the war after we had uttered our purposes. They came as crusaders, not merely to win the war, but to win a cause; and I am responsible to them, for it fell to me to formulate the purposes for which I asked them to fight, and I, like them, must be a crusader for these things whatever it costs and whatever it may be necessary to do, in honour, to accomplish the objects for which they fought. I have been glad to find from day to day that there is no question of our standing alone in this matter, for there are champions of this cause upon every hand. I am merely avowing this in order that you may understand why, perhaps, it fell to us, who are disengaged from the politics of this great Continent and of the Orient, to suggest that this was the keystone of the arch and why it occurs to the generous mind of our President to call upon me to open this debate. It is not because we alone represent this idea, but because it is our privilege to associate ourselves with you in representing it.

I have only tried in what I have said to give you the fountains of the enthusiasm which is within us for this thing, for those fountains spring, it seems to me, from all the ancient wrongs and sympathies of mankind, and the very pulse of the world seems to beat.

Mr. Lloyd George (Great Britain) delivers the following speech:

I arise to second this resolution. After the noble speech of the President of the United States I feel that no observations are needed in order to commend this resolution to the Conference, and I should not have intervened at all had it not been that I wished to state how emphatically the people of the British Empire are behind this proposal. And if the national leaders have not been able during the last five years to devote as much time as they would like to its advocacy, it is because their time and their energies have been absorbed in the exigencies of a terrible struggle.

Had I the slightest doubt in my own mind as to the wisdom of this scheme it would have vanished before the irresistible appeal made to me by the spectacle I witnessed last Sunday. I visited a region which but a few years ago was one of the fairest in an exceptionally fair land. I found it a ruin and a desolation. I drove for hours through a country which did not appear like the habitation of living men and women and children, but like the excavation of a buried province—shattered, torn, rent. I went to one city where I witnessed a scene of devastation that no indem-

nity can ever repair—one of the beautiful things of the world, disfigured and defaced beyond repair. And one of the cruellest features, to my mind, was what I could see had happened: that Frenchmen, who loved their land almost beyond any nation, in order to establish the justice of their cause, had to assist a cruel enemy in demolishing their own homes, and I felt: these are the results—only part of the results. Had I been there months ago I would have witnessed something that I dare not describe. But I saw acres of graves of the fallen. And these were the results of the only method—the only organised method—the only organised method that civilised nations have ever attempted or established to settle disputes amongst each other. And my feeling was: surely it is time, surely it is time that a saner plan for settling disputes between peoples should be established than this organized savagery.

I do not know whether this will succeed. But if we attempt it, the attempt will be a success, and for that reason I second the proposal.

M. Orlando (Italie), demandant la parole, s'exprime ainsi :

Qu'il me soit permis d'exprimer ma plus fervente adhésion au grand principe que nous sommes appelés aujourd'hui à proclamer. Je crois que nous accomplissons ainsi le premier des engagements, et le plus solennel, que nous avons pris envers nos peuples, lorsque nous leur avons demandé d'immenses efforts pour cette immense guerre, engagement dont la contre-partie était la mort, des sacrifices sans nom et des douleurs sans limites. Nous accomplissons donc notre devoir en faisant honneur à cet engagement sacré. C'est beaucoup, mais ce n'est pas tout. Il faut y apporter la spontanéité d'esprit et, si l'on me permet cette expression mystique, la pureté des intentions. Ce n'est pas dans un sentiment de mesquine fatuité nationale, mais seulement pour vous mieux montrer que l'esprit du peuple italien est tout à fait propre à accepter spontanément et intégralement ce principe, que je me permets de rappeler ici les grandes traditions juridiques de mon peuple et sa vocation pour le Droit. Or, le Droit, ce n'est pas seulement la défense d'un ordre fondé sur la justice contre toute violence; c'est aussi la forme extérieure, obligatoire, garantie par l'État, de ce principe essentiel qui constitue la base même de l'existence de la société humaine, c'est-à-dire le principe de la coopération social. Je crois donc que la formule qui nous est proposée est très heureuse, puisqu'elle n'offre pas seulement des garanties contre la guerre, mais qu'elle envisage aussi cette coopération entre les Nations qui est la véritable intégration du Droit.

Monsieur le Président, Messieurs, c'est aujourd'hui un grand moment, une grande date historique, parce que c'est seulement dès aujourd'hui que commence, que naît le droit des peuples. Et puisque cette naissance a lieu dans cette France généreuse et glorieuse qui a proclamé et imposé par son sang et par son génie les droits de l'homme, ce présage me paraît heureux. *Quod bonum felix faustumque sit.*

M. Léon Bourgeois (France) prend la parole en ces termes :

Je suis profondément reconnaissant à M. le Président du Conseil des Ministres français de m'avoir fait l'insigne honneur de me charger de prendre la parole pour parler au nom de la France. Il est probable que ce sont les souvenirs de la Conférence de la Haye qui l'ont amené à cette désignation; j'en reporte par conséquent l'honneur sur les très nombreux Collègues ici présents dont j'ai été le collaborateur en 1899 et en 1907.

M. le Président Wilson disait tout à l'heure cette éloquente et forte parole, que nous ne sommes pas ici, que vous n'êtes pas ici, Messieurs les Délégués, les Représentants seulement des Gouvernements, mais les Représentants des Peuples. Que veulent les peuples à l'heure actuelle, et que veulent par conséquent les Gouvernements véritablement libres, véritablement représentatifs, véritablement démocratiques, c'est-à-dire ceux qui veulent nécessairement ce que veulent leurs peuples eux-mêmes? Ils veulent que ce que nous avons vu pendant ces quatre années horribles ne se renouvelle plus à la face du monde. Ce qu'ils veulent, c'est ce que veulent toutes les victimes de cette guerre; ce qu'ils veulent, c'est ce qu'ont voulu, en exhalant leur dernier soupir, ceux qui sont morts pour la Liberté et pour le Droit. Ceux-là ne se sont pas battus seulement pour défendre leur Patrie, ils s'étaient unis de tous les points du monde libre pour cette croisade dont a parlé si justement M. le Président Wilson, et ils savaient qu'ils mouraient non seulement pour leur pays, mais pour la Liberté universelle et pour la Paix universelle. Pour la Paix universelle: tout à l'heure M. le Premier d'Angleterre décrivait avec une éloquence saisissante le tableau des ruines et des désolations dont il a été le témoin; ces ruines, ces désolations nous les avons constatées et vous les avez vues bien loin du point de départ du conflit qui a ouvert les hostilités, car en effet, désormais, il n'est pas un conflit local qui puisse être circonscrit; en quelque État du monde que naisse la difficulté, soyez-en persuadés, c'est le monde tout entier qui est en danger. Il y a une telle interdépendance dans les relations de tout ordre qui existent entre les nations, une telle interdépendance des conditions économiques, des conditions financières des conditions morales et intellectuelles que je le répète, chaque fois qu'une blessure est faite sur un point quelconque de l'organisme, c'est l'organisme tout entier qui risque d'être empoisonné.

Il y a une seconde raison qui fait qu'il n'est plus possible que de pareils spectacles soient encore donnés à l'Humanité. M. le Président Wilson faisait tout à l'heure allusion à ces redoutables progrès de la science qui était détournée de son objet propre, lequel est de donner sans cesse à l'Humanité plus de bien-être, plus de certitude du lendemain, plus d'espérances dans l'avenir et qui était employée aux œuvres les plus redoutables et les plus misérables, c'est-à-dire aux œuvres de destruction. Or, la science tous les jours multiplie ses progrès et ses conquêtes; tous les jours, elle perfectionne ses moyens d'action sur le monde et, étant donné ce que

nous avons vu pendant ces cinq dernières années, ce qui a été produit de redoutable et de destructif en mécanique, en balistique. songez à ce que serait d'ici quelques années la destruction nouvelle dont on pourrait être menacé!

Alors, nous avons le droit d'envisager ce problème de conscience qui nous passionne tous, à savoir ce que nous devons faire pour concilier les intérêts particuliers de nos peuples, que nous ne pouvons oublier, avec ceux de la patrie commune, de l'Humanité tout entière.

Nous avons à rentrer en nous-mêmes et à réfléchir à cette parole, que je considère comme une parole de vérité supérieure, à savoir que, de tous les intérêts vitaux que nous pouvons considérer, il y en a un qui est supérieur à tous les autres, qui englobe tous les autres, sans la défense et la protection duquel tous les autres sont en péril : l'intérêt de la Patrie commune.

Je me rappelle, lorsque je parle de drames de la conscience, les scrupules qui, autrefois, dans les Conférences de la Haye, retenaient même les représentants des peuples les plus libres, les plus animés du sens démocratique, les plus résolus à préparer la Paix. Ils se disaient : nous devons réserver cependant notre honneur et nos intérêts vitaux. C'était là peut-être ce qui retardait la formation de ce lien que nous allons nouer aujourd'hui. Nous savons maintenant qu'il y a un intérêt vital que nous devons avant tout considérer et défendre : c'est l'intérêt de la Paix universelle fondée sur le Droit, sans laquelle aucun des intérêts les plus vitaux de nos patries particulières, grandes ou petites, ne cesserait d'être menacé et détruit.

Comment arrivera-t-on à réaliser ce qui, il y a quelques années à peine, était encore considéré comme un rêve? Comment ce rêve apparaît-il comme une réalité prochaine dans les esprits des hommes d'État ici présents et qui sont des réalistes, ayant le droit et le devoir de ne pas se laisser aller aux théories généreuses, si séduisantes qu'elles puissent être? Comment se fait-il qu'aujourd'hui ces hommes d'État soient assis autour de cette table, animés d'une pensée commune?—car il n'y a pas de doute que vous voterez tout à l'heure à l'unanimité les propositions qui vous seront faites. Comment se fait-il que ces hommes d'État, ces réalistes, puissent arriver à considérer comme tangible, réalisable dans un temps prochain, ce qui, autrefois, apparaissait comme un rêve? Si l'on se reporte à l'histoire de ces trente dernières années, notamment à cette Conférence de la Haye, dont je vous demande pardon de parler encore, on s'aperçoit que, si elle n'a pas produit tous les résultats qu'on en attendait, elle en a cependant produit un certain nombre. Les membres des divers Gouvernements peuvent se souvenir que les institutions de la Haye ont été, à trois reprises, efficaces et que, dans des différends—je n'en dis pas davantage—qui pouvaient troubler les relations entre divers États, les arbitrages de la Haye ont réussi à aplanir des difficultés et à rétablir l'harmonie. Je puis même rappeler qu'entre la France et l'Allemagne, il y eut un conflit, l'affaire de Casablanca,—dont la gravité pouvait être grande; non seulement pour les deux pays, car, comme je le

disais, les conflits partiels entraînent parfois un conflit universel, —où un arbitrage est intervenu, qui a sauvé complètement l'honneur de la France et qui a permis de ne pas tirer l'épée.

Comment donc cela n'a-t-il pas pu durer, ou plutôt, comment les institutions de la Haye n'ont-elles pas réussi à empêcher le conflit terrible dont nous sortons? Cela tient à deux causes: vous allez, ces jours-ci même, faire disparaître l'une d'elles. Les Conférences de la Haye avaient lieu entre nombreux Etats, mais ceux mêmes qui étaient animés d'une véritable bonne volonté étaient bien obligés de reconnaître que, sur la carte du monde, les frontières de divers pays n'étaient pas ce qu'elles auraient dû être: quand nous délibérions là-bas, nous ne pouvions pas, nous, Français, oublier qu'il y avait une partie de la France qui ne jouissait pas de la liberté; vous ne pouviez pas, vous, Messieurs les Représentants du Royaume d'Italie, oublier qu'il y avait encore des provinces hors de la loi italienne. Comment vouliez-vous qu'une organisation internationale, quelque parfaite qu'elle ait pu être, fût véritablement efficace si, au moment de son application, elle devait rencontrer, comme le pied rencontre un obstacle sur la route, cette question redoutable de l'irrédentisme, comme disent nos amis d'Italie, de revendication nationale, comme nous disons?

Vous allez établir un état de fait conforme aux principes du droit; vous allez fixer les frontières conformément aux vœux des populations elles-mêmes et vous allez donner pour limites à chaque pays ce que doit lui donner le Droit lui-même. Alors, vous pourrez faire ce que nous n'avons, pas pu accomplir. Vous y ajouterez ce que nous n'avons pas pu faire non plus, des obligations, car vous vous rappelez—ce fut un fait historique bien significatif—comment se groupèrent les divers Etats, et nous avons pu voir ceux qui ne votaient pas avec nous se rencontrer contre nous sur le champ de bataille; les Alliés contre le Droit étaient déjà les Alliés contre le Droit!

Vous qui avez combattu pour le Droit, vous allez créer une organisation, établir des sanctions, en assurer l'exécution. Ayant établi l'obligation de l'arbitrage, ayant réglé d'une façon méthodique, progressive et sûre, les sanctions nécessaires pour assurer l'obéissance à la volonté commune des Nations civilisées, vous pourrez faire œuvre solide, durable, et vous pourrez entrer avec certitude et tranquillité dans le temple de la Paix.

Ce n'est pas l'heure de discuter ici les voies et moyens, mais je m'empresse de dire, au nom du Gouvernement de la République française, que tout ce qui pourra être fait pour mener aussi loin que possible sur la route l'unanimité des peuples libres, nous devons le tenter et le vouloir.

Nous ajouterons certainement aux mesures d'ordre juridique qui ont pour but de faire régner le Droit et d'assurer la liberté de chacun,—ici je me tourne vers M. le Premier Ministre italien qui disait justement: C'est une coopération à la Paix;—vous ajouterez toutes les mesures qui constitueront entre Etats les coopérations nécessaires au point de vue de ces intérêts innombrables dont je disais tout à l'heure l'interdépendance. Cette interdépendance

devient chaque jour plus étroite. Et il ne s'agira pas seulement d'arrêter les conflits venant de naître, mais de les empêcher de naître.

Je crois avoir ainsi traduit le sentiment commun en n'allant pas plus loin dans mon exposé. Il me suffit d'avoir montré avec quelle ardeur profonde la France se joint à ceux qui, tout à l'heure, ont proposé la création de cette Ligue des Nations. M. le Président Wilson disait que cette question était au cœur même de l'Humanité. Cela est vrai. Il disait qu'il fallait avoir un œil constamment ouvert sur cette Humanité, un œil vigilant qui ne se ferme jamais. Eh bien, je terminerai en rappelant encore un souvenir de la Haye : Quelques-uns ont dit que nous avions entendu là les premiers battements du cœur de l'Humanité. La voici maintenant vivante, bien vivante ; que, grâce à vous, elle vive éternellement !

Mr. Hughes (Australia) having asked whether it will be possible to discuss the scheme when it is complete, the President replies that the members of the Conference would be quite at liberty to do so.

Le Président donne successivement la parole aux Délégués de diverses Puissances, qui s'associent en ces termes au projet de résolution :

M. Lou (Chine) :

Au nom de la Délégation chinoise, j'ai l'honneur d'appuyer de tout cœur la résolution proposée. La Chine, toujours fidèle à ses obligations et hautement intéressée au maintien de la paix mondiale, s'associe complètement au dessein élevé de cette résolution tendant à créer une coopération internationale, qui assurera l'accomplissement des obligations internationales contractées. Elle fournira des sauvegardes contre la guerre. Je suis heureux d'assurer à la Conférence que la République de Chine aura toujours le plus vif désir de coopérer avec les autres États à l'organisation et l'établissement d'une Ligue des Nations qui donnera à toutes, grandes et petites, les garanties effectives de leur intégrité territoriale, de leur souveraineté politique et de leur indépendance économique fondées sur une justice impartiale.

M. Dmowski (Pologne) :

Je prends la parole, non seulement pour appuyer le projet de résolution, mais pour exprimer une reconnaissance profonde pour cette grande initiative. Je le fais, non seulement comme représentant d'une partie de l'Humanité qui a souffert non moins que celles qui ont souffert le plus, et qui nourrit l'espoir que de telles souffrances ne se répéteront plus, que ce qui n'est pas détruit dans cette guerre restera conservé pour les générations pacifiques de l'avenir.

Je le fais aussi comme Représentant d'un pays situé dans la

partie du monde où les sources du danger pour la paix dans l'avenir sont plus grandes qu'autre part, où, aujourd'hui, après la conclusion de l'armistice, la guerre continue, du pays qui est à l'heure présente exposé de trois côtés au danger et qui est forcé de faire la guerre sur trois fronts. Si nous avons une institution comme celle qui est proposée aujourd'hui et de nature à offrir des garanties internationales de paix, nous ne serions pas dans cette situation dangereuse.

J'exprime cette gratitude au nom du pays qui a besoin, peut-être plus que tous les autres, des garanties internationales de paix, et qui accueillera le projet de la Ligue des Nations avec le plus d'enthousiasme.

M. Hymans (Belgique) :

Messieurs, je n'ai pas demandé la parole pour discuter les idées exprimées dans le projet de résolution, auxquelles la Délégation belge, naturellement, adhère de plein cœur, et qui ont été si noblement développées dans cette Assemblée. J'ai demandé la parole seulement sur une question d'ordre pratique et qui est, je pense, d'intérêt général.

La Conférence, aujourd'hui, organise la méthode de ses travaux et sa procédure. Je voudrais demander une explication sur la dernière phrase du projet de résolution, qui vise la représentation des Puissances dans la Commission chargée d'étudier le projet de constitution d'une Ligue des Nations. Le projet dit que la Conférence nomme une Commission représentant les Gouvernements associés pour élaborer dans le détail la constitution et pour déterminer les attributions de la Ligue. . . .

Lé Président répond à M. Hymans que les explications qu'il va fournir lui donneront sans doute satisfaction.

Personne ne demandant la parole au sujet de la résolution sur la Société des Nations soumise à la Conférence par le Bureau, cette résolution est adoptée à l'unanimité.

**Supreme War Council, February 12, 1919**

*Extracts from the Minutes, giving in full the discussion of the Resolution regarding the renewal of the German Armistice.*

1. M. Clemenceau having declared the meeting opened, called for the report of the Committee which had assembled at Marshal Foch's Headquarters in accordance with the decision of the Supreme War Council, dated 10th February, 1919.

(General Weygand then read the conclusions of the Committee assembled in accordance with the decision of the Supreme War Council of the 10th February, 1919. For full text, see Annexure "A").<sup>1</sup>

M. Clemenceau inquired whether it was thought advisable by the Conference to discuss the report at once.

President Wilson thought the sooner this was done, the better. (It was agreed that the report should be discussed forthwith.)

M. Orlando expressed the desire to ask a question in regard to the report just read. The concluding paragraph of the Committee's report contained the following declaration: "The members of the Committee are of the opinion that naval and military terms of peace should be drawn up immediately by a Commission appointed for the purpose, and shall be imposed on the enemy." He understood that "the naval and military terms of peace" therein referred to were not the same as the conditions contained in the body of the report, which were purely provisional. The two sets of conditions constituted, in fact, two entirely separate propositions.

Mr. Balfour agreed that there were evidently two quite different questions to be decided, namely: First, how should the execution by the Germans of the unfulfilled promises be assured. Second, what was to be the future policy of the Associated Governments in regard to the renewal of the Armistice: should the Armistice constantly be renewed, with new clauses and new conditions, or were the final naval and military terms to be drawn up immediately and imposed on the enemy. The two questions should be kept quite distinct.

M. Orlando remarked that that was exactly the distinction he had meant to emphasise.

M. Clemenceau held that the final peace terms must not now be discussed. The Committee had certainly made that suggestion; but this report contained no indication as to what the naval or military terms of peace should be. The question would no doubt eventually have to be referred to the Committee for advice. But the Council was not in a position that day to discuss peace terms.

<sup>1</sup> Omitted

On the other hand, the first of Mr. Balfour's two points, namely, the enforcement of the conditions already accepted by the Germans, called for an immediate decision, as Marshal Foch would have to confer with the Germans almost immediately for the renewal of the Armistice.

Marshal Foch pointed out that the Armistice would expire at 5.00 a. m. on the 17th February next, and the renewal would have to be signed on the 16th. He would therefore be obliged to leave Paris on the 14th or 15th.

M. Clemenceau, resuming, said that only two days would therefore be available for a decision to be reached. Obviously, more than two days would be required to decide the final naval and military clauses to be included in the Treaty of Peace. Consequently, the consideration of that question would have to be postponed, but the conditions for a renewal of the Armistice must at once be decided.

Mr. Balfour agreed that it was impossible to discuss then and there the final peace terms; but the general policy which should govern their arrangements in regard to the renewal of the Armistice, in view of arriving at the final peace terms was quite another question. Doubts had been expressed as to the advisability of using the renewal of the Armistice each month as a means of getting new terms out of the Germans. From time to time some slight modifications might be desirable and necessary. For instance, the question of Poland was one which called for immediate action, but many of the members of the Council held the view that it was inexpedient to introduce new terms every time the Armistice was renewed. No satisfactory end could, however, be put to that method of procedure until the conditions of the final peace terms had been decided, and he agreed that a decision on that question could not be reached on that day. His proposal, therefore, was that only inevitable small changes, or no changes whatever, should be made in the Armistice until the Allies were prepared to say to Germany: "These are the final naval and military terms of peace, which you must accept in order to enable Europe to demobilise and so to resume its life on a peace footing and re-establish its industries."

President Wilson said that Mr. Balfour's proposal for the first time seemed to suggest to him a satisfactory solution. All along his difficulty had been that little and irritating secondary demands were continually being added to the Armistice conditions, whilst at the same time reports were being received to the effect that the previously accepted terms had not been fulfilled. Each time he had asked the question: "What will be the result of adding these new conditions? How can the enforcement of the unfulfilled conditions be secured?" And he had been conscious of the fact that either might involve a renewal of hostilities. He was perfectly prepared to renew the war if the Germans refused to accept the final terms of peace, decided

upon by the Allies. But he was not prepared to renew hostilities because the Germans might refuse to accept some little portion of the eventual peace terms. Each time something was asked for which, if not accepted, meant the renewal of the war; but each condition by itself was not worth the renewal of the war. On the other hand, a refusal to accept the Allies' final terms of peace would be worth renewing the war, and ultimately the Allies would have to insist on the acceptance of their peace terms. Moreover, renewal of the Armistice, with certain small additional conditions, merely meant a repetition and a continuance of endless debates with the Germans as to the reason why they had been unable to comply with the accepted conditions—close technical distinctions being raised in regard to the meaning of those conditions. It seemed to him that this procedure placed the Allied Governments in the undignified position of debating with the Germans, while conscious all the time that a stop could be put to the debate by a renewal of hostilities. There could be no desire to debate with the Germans and, therefore, the final conditions to be imposed must be decided upon. That was business, as compared with the present policy, which meant asking for things that formed only a part of the programme and not the whole programme. Personally he was deeply interested in the fulfilment of the entire programme, and he was ready to employ the whole strength of the American Army to obtain the acceptance of the whole of the naval and military terms of peace: but he was not prepared to make use of that Army for the little pieces. It was reported that Germany had failed to fulfill part of the terms of the Armistice. What was to be done? It was suggested that more conditions should be imposed on the enemy at the next renewal of the Armistice. The enforcement of the new conditions would, however, inevitably lead to more debates and further discussions with the Germans. Would it not be better, as had been suggested, to go to Spa and to say to the Germans: "The present situation is altogether unsatisfactory. You have failed to keep your promises. You have failed to carry out the terms of the Armistice. The Armistice will be renewed, on the present terms, for a period which will be terminated on a few days' notice. Meanwhile, the final Military and Naval terms will be drawn up and presented to you for acceptance on the understanding that non-acceptance of the whole of the terms would mean an immediate resumption of hostilities."

The proposal he had just made had been suggested to him that morning and it appeared to him as a thoroughly sound and statesmanlike idea.

M. Clemenceau protested that yet once more, in his long career, he felt compelled with great regret to state that his views differed very considerably from those he had just heard. It had been stated that the Germans had not carried out the terms of the Armistice, but

that it would merely be irritating to the Germans if difficulties were constantly raised about the non-fulfillment of secondary demands.

Mr. Balfour remarked that M. Clemenceau should have said, "future secondary demands."

M. Clemenceau accepted the correction and said that he had a great many remarks to make on that point. He proposed to begin his argument at the end, by referring to the proposals put forward by the Economic and Military Committee.

According to President Wilson's proposal, the Allies would condescend to explain to the Germans that the naval and military terms of peace would be drawn up and presented to them for acceptance as soon as possible. But the military terms depended largely on the other terms. If the differences existing between the thirty-odd nations represented at the Conference were settled; if the creation of the League of Nations gave the guarantees that were expected from it, the military terms would be different from what they would be if no agreement were reached on these various points. Consequently, he believed the military terms could not be separated from the political, economic and financial terms.

Next President Wilson had said: "I am ready to employ the whole strength of the American Army to obtain acceptance of the final conditions of peace. As to secondary questions—well, let them go. For vital questions, I am ready to renew the war, if necessary." If President Wilson would allow him to say so he thought that would be putting the question in an academic, theoretical and doctrinal light. In practice the question would present itself quite differently, for the final conditions of peace would only be settled after a large proportion of the troops had been sent home, when the Americans, the English and the Italians had gone. What would be the Allies' military situation when the present accepted demobilisation schemes had been carried out? The scheme relating to the forces to be maintained in the occupied territories until the signature of peace provided for the employment of 51 French, 10 British and 10 American divisions. After the frightful losses suffered by the French nation both materially, financially and in men, when it still had sufficient strength to maintain 51 divisions at the front, was that the moment to say to the Germans: "If you are not in an accommodating humour, we shall start fighting again?" The final military conditions to be imposed might be extremely difficult, and it might be that the enemies, having been left free to act on the other side of the frontier, a great deal of blood would have to be shed to conquer them a second time. He thought that problem had not received sufficient consideration. In his opinion, it had been presented in too theoretical, too academic a form. But the fact must be faced that during 4 years of war the countryside of France had been devastated and subjected to the worst kind of savagery. At the end of that time, the enemy had been

forced to surrender at discretion. But, left to themselves, the Germans had created order, just as the Russians had created disorder. The Germans had succeeded in forming a Government, and the first words spoken in the National Assembly had been: "Deutschland über Alles." The second thing done had been to place all power in the hands of the accomplices of William II. News had been received that morning that Scheidemann, one of William's most direct agents, was to govern Germany. Could it be imagined that *he* would alter his views though he might speak in favour of the League of Nations and of universal brotherhood? No, he did not think his hearers would allow themselves to be deceived. Let them read the German newspapers. It would be seen that they breathed nothing but threats. Ebert had said: "We will not accept terms which are too hard." And why was all this done? To exercise a detrimental influence on our morale, to frighten us, to make us fear that, if the Germans were angered, the war might begin again. Nobody was less desirous than himself of seeing the war begin again, but it must not be forgotten that we were still at war. War continued in the minds of men: the same minds that had made the war of 1914. The German nation had not suffered from invasion, its aggressive morale had been preserved intact. On the other hand, the Allied Conference could not have acted differently, nor more quickly, than it had done. Vital preliminary work had to be done. It had, however, been accused of impotency by the press, and probably the Germans had come to think that the Allies were quarrelling and that they were incapable of action. He would implore the Council not to confirm the Germans in that idea. The Germans must not be allowed to think that they would be able to face successfully France's 51 divisions after the Allied troops had dispersed.

Returning to his starting-point, complaints had been made that the Germans were not carrying out the Armistice terms. But they must be compelled to carry them out; as to that, all were agreed. Then it had been said (it was the echo of a sentiment he had read in German newspapers), that there must be no fresh terms, otherwise, the Germans would get angry, would start discussions. That argument might hold good if the new conditions to be imposed were either frivolous or due to the sudden impulse of the moment. But, in reply, he need only draw attention to the Polish question, to which Mr. Balfour very rightly attached great importance, even though it was a new question, only a few days old. Now, provided the wishes of the Allies were plainly expressed, it would be impossible for the Germans to rise. Marshal Foch and Marshal Pétain would agree that the Germans could not at the present moment embark on an offensive against the Allies. Would the Polish question be worth an offensive? He thought so. But if the Germans were told that an attack on Poland would be followed by an immediate advance of the

Allied troops along the entire Western front, Germany would at once comply with the Allies' conditions. He would here recite his *mea culpa*, for the matter concerned him directly. He wished to repeat what he had already said, namely, that the fortune of war had been such that neither American nor British territories had suffered, whilst the territory of France had been so ravaged that it would seem as though recovery would be impossible. The first wish of the French frontier peasants had been to get back the cattle which had been stolen from them by the hundred and by the thousand, and which they could watch grazing on the German side. These peasants kept on saying "We have been victorious, of course, but could not the Germans be asked to give us back our cattle?" Well that was not a question of world-wide importance. The world would still continue to go round, even if the unhappy peasants were not granted the means of making good (and in how fragmentary a fashion) the disasters caused by the war. Nevertheless, Mr. Balfour would not, as a philosopher, contradict him when he said that there was such a thing as a philosophy of war, when events accumulated in the human brain and put it out of gear, destroying the balance of entire nations. The barbarians of whom history spoke took all that they found in the territories invaded by them, but destroyed nothing; they settled down to share the common existence. Now, however, the enemy had systematically destroyed everything that came in his way. As M. Klotz had said in his report, nothing had been left standing. France would be unable to compete against Germany for two years. It had been stated that Germany would be supplied with raw materials; but the industries of France had been scientifically destroyed, not for military reasons, but in order to prevent France from recovering in peace time. That was how matters stood. It was true that Italy had also suffered a great deal, but no comparison was possible, as it was the richest districts of France that had been destroyed. France had lost 3,000,000 men, either killed or mutilated, and it is truly necessary that some compensation should be obtained.

The Conference had worked conscientiously up to the present and had dealt with questions of the highest order. The purest idealism had been represented there, as well as more material interests; but the world was waiting. The Supreme Council would meet again in a fortnight or three weeks; by that time no one must be able to say: "The Associated Governments will not make up their minds to give us that satisfaction to which we are entitled."

This state of mind must not be allowed to develop. It could not be said that the French people were concerned with material interests to the exclusion of all others. If the French people deserved any reproach it was rather for erring in the opposite direction; for they are apt to be carried away by ideas, regardless of terrestrial affairs. But the people of France were attached to the soil, they were accus-

tomed to work on the soil, and they now implored the representatives of the Allied and Associated peoples to consider this aspect of the question. If no heed were given to such requests, a time would come when small, supposedly secondary, questions would accumulate and create a state of mind which would drive the people to insist on their demands with an amount of energy such as he should not like to see. Indefinite postponements would appear to the Germans as a proof of weakness. He was aware that President Wilson considered the Armistice to be a threat continually hanging over the heads of the Germans. But he (M. Clemenceau) knew the Germans better, and he could assure the Council that they will not take it thus. The Germans must, of course, be spoken to with moderation and equity, but also with firmness and decision; otherwise the Council would be obliged to meet again in a fortnight's time under less favourable conditions.

In speaking at such length—a proceeding justified by the importance of the question—he had not contradicted any arguments either of President Wilson or Mr. Balfour. He had merely wished to convey his own opinions, which coincided with those of the entire French nation. France would suffer most from this indefinite prolongation of the Armistice. He was continually being assailed with requests for a speedy conclusion of peace, and that was the reason why he had been somewhat emphatic in his suggestions. He should like a decision to be reached as soon as possible. The Germans would be compelled to give satisfaction for the violation of the Armistice terms, described at length in General Weygand's report.

The Allies should remain firm on these points, including also the terms rendered necessary by the Polish question and such other questions as might arise, seeing that, on President Wilson's own proposal, an Economic Committee had been attached to Marshal Foch. He urged that the policy so far followed should be continued. The degree of pressure to be exerted would be made to fit each case as it arose. But the Germans must not be told: "Go on, do as you like, perhaps we shall some day threaten to break off relations; but just now we will not be firm." Germany would continue her preparations, and after the Allied troops had dispersed, Marshal Foch might perhaps find himself confronted by more German troops than might have been anticipated.

In conclusion he wished to apologise for having spoken at such length, but it was necessary to say these things.

Mr. Balfour said that M. Clemenceau had made a speech which everybody would regard as most impressive, even though it must inevitably have lost by translation. He thought, however, there was a real misunderstanding, not on all, but on most of the points raised, which he hoped to remove. All were agreed that in regard to the past the Germans must be compelled to carry out the engagements.

The wishes of the Allies in regard to Poland must also be complied with. M. Clemenceau had, however, been greatly moved (and not unnaturally) by the declaration made by Marshal Foch's Committee at the end of their report. That report had only been distributed in the Council Chamber that morning; and he himself had not seen it when he had drawn up his proposals.

M. Clemenceau apparently wished to introduce into the Armistice certain conditions which would compel the Germans to restore cattle, sheep, etc., which had been stolen from the unhappy peasants in the ravaged districts of France. In his opinion, that proposal belonged to the general question of reparations, which would be included in the final peace terms, and it could not be separated from similar questions, such as reparations due for the destruction of spindles and weaving machinery. But even if it were decided that the question should not be postponed until the general peace treaty came to be drawn up, such proposals should, he thought, be discussed separately with the Germans, who should be informed that the supply of raw materials would be made conditional on the return of the cattle. He need only assure M. Clemenceau that everybody felt most deeply for the general suffering which France had had to endure.

The fundamental misunderstanding which existed lay, however, in the fact that M. Clemenceau believed that the policy suggested was one dictated by a desire to put off a decision and to yield to the Germans until such time as the British and American troops had been withdrawn from France. That was not only not the policy proposed, but the whole object of his proposal was to hasten the time when the Germans would have been compelled to demobilise their forces to such a degree as to render them helpless. Speed and thoroughness was what they were aiming at. The long succession of months spent, not in bringing about a peace, but in settling small additional conditions to the terms of the Armistice, was postponing the final settlement in a dangerous manner. It was, therefore, with the object of reaching a complete and a rapid end that his proposals had been put forward. Consequently, when M. Clemenceau pointed to the small number of American and British troops which would be left when the final solution would come—that was the very reason why he wished to hasten the settlement so that demobilisation of the Allied forces could be carried out without fear and misgiving, after the Germans themselves had been compelled to demobilise.

His plan might be good or it might be bad, but its object was to get over the danger which M. Clemenceau foresaw, so that Germany would no longer be able to resist, and the Allies would then be in a position to exact those reparations which might be thought to be just.

He wished, therefore, to submit the following resolution for discussion at the meeting to be held that afternoon. It embodied the

general policy, which he thought did not in reality differ in substance from M. Clemenceau's, though differing in form:

The Supreme War Council agree that:

(1) The Armistice with Germany shall be renewed on the present terms for an undefined period terminable by the Allied and Associated Powers at . . . . . days' notice.

(2) Detailed and final naval, military, and air conditions shall be drawn up at once by a Committee to be presided over by Marshal Foch and submitted for the approval of the Supreme War Council: These, when approved, will be presented for signature to the Germans.

(3) After the signature of these preliminaries of peace Germany will be permitted to receive such controlled quantities of food, and raw materials for the rehabilitation of her industry, as shall be deemed just, having regard to the prior claims of Allied countries, especially those on whose industries Germany has deliberately inflicted damage.

(4) The question of the quantities of food and raw material to be allowed to Germany after the signature of the preliminaries of peace shall be referred to the Economic Council for examination and report.

(It was agreed to adjourn the discussion until 3.00 p. m. that afternoon. The Technical, Military and Naval Advisers were requested to be in attendance at 5.00 p. m.)

1. M. Clemenceau, in opening the Meeting, suggested that the discussion should be continued from the point at which it left off in the morning.

President Wilson said that after reflecting on the morning proceedings he had come to the conclusion that the difference of opinion was reduced to one point. That point was one of great importance. Mr. Balfour had made the difficulty quite clear by saying that we should not delay until our forces were so reduced that we could not compel the Germans to accede to our demands. This was the point that he had himself sought to make clear. By reducing our forces month by month, and by renewing the Armistice month by month, we might be led to a stage at which Germany could resist with some prospect of success. He wished to be sure the danger point was past before reducing the Allied forces to the extent mentioned in the morning. Should trouble arise, he would be quite willing to remobilise the American forces, but this might be difficult, and it would certainly be a lengthy process, as the troops would have scattered to their homes. The longer we dealt with the Germans on this plan, the longer their hopes would have to grow. This might lead them to a

false sense of self-confidence, and the German Government's forces might consolidate in a way which it was not at present possible to forecast, and the ancient pride and boastfulness of Germany might gain a new lease of life. The point under discussion in the morning concerning which no agreement had been reached was the question whether the military terms of peace could be isolated from the other conditions of peace. Peace, it had been said, was one fabric with one pattern. The plan of general disarmament, which had been alluded to, seemed to render it difficult as a provisional measure to prejudice what should be the relative strengths of national forces. Disarmament contained two elements: (1) the maintenance of an adequate force for internal police; (2) the national contribution to the general force of the future League of Nations. At present we did not contemplate that Germany should make any contribution to the latter force. We need therefore not take that element into consideration. All we need contemplate was the amount of armed force required by Germany to maintain internal order and to keep down Bolshevism. This limit could be fixed by the military advisers. In general, he felt that until we knew what the German Government was going to be, and how the German people were going to behave, the world had a moral right to disarm Germany, and to subject her to a generation of thoughtfulness. He therefore thought it was possible to frame the terms of Germany's disarmament before settling the terms of peace. He was encouraged in this belief by the assurance that the military advisers could produce a plan in 48 hours. It might take more than 48 hours for the heads of Governments to agree on this plan. It was not his idea that the Armistice should be protracted very much longer, but a definite term could not be fixed until the Governments had matured their judgment concerning the disarmament of Germany. Once this point was settled, the Germans could be given short notice to accede to our demands under pain of having the Armistice broken. The main thing was to do this while our forces were so great that our will could not be resisted. The plan he proposed would make safety antedate the peace. He thought that this brought the two views into accord as regards the purpose in the minds of both parties to the morning's debate.

Before concluding, he wished to draw M. Clemenceau's attention to a statement made by the papers that the French Government had stopped demobilisation.

M. Clemenceau said that this was not true.

President Wilson said that the rumour was general throughout France, and some of his friends on their way to the front had found people much alarmed at the prospect of a renewal of the war. This feeling rendered people uneasy about re-starting their ordinary lives, and these rumours were very much to our disadvantage. He thought it important to put a stop to mischief of this kind. He was himself

convinced that the rumours were unfounded, but after all the world was full of accomplished liars, and he wished to spoil their game.

He regretted that he had not put his views in the morning in so complete a manner.

M. Clemenceau said that the purpose pursued by President Wilson was exactly the same as his own. He was therefore prepared to accept his proposal. Before doing so, however, he would like more precise information on certain points. We were to ask the experts to state as quickly as possible the conditions of the disarmament of Germany. The American experts, President Wilson had said, were ready. The French were also ready.

Mr. Balfour remarked that the English were ready, too.

M. Clemenceau said that in these conditions their report could be obtained very soon. But the thought struck him that President Wilson was going away in a few days, and the date of his return was uncertain. Though the report of the experts might be received in a short time, he would not like to discuss a matter of such importance in the absence of President Wilson. Doubtless President Wilson would be away for a month. The delay therefore would be of considerable extent. There would be a further month of demobilisation, and a critical diminution of our forces. He was not discussing the question in principle, but only seeking a way out of the difficulty. At present the Armistice was being renewed month by month, but the Allies had a right to break it at any moment after 48 hours' notice. There was not therefore a very great difference between the two systems, save that the one at present enforced was established for a slightly longer period. If the President had been staying, he would have raised no objection to the indeterminate prolongation of the Armistice, but, as he was going, the difficulty arose, as he was quite unwilling to discuss the matter while President Wilson was away. He would therefore suggest that things should be left as they were, and that the Armistice should be renewed as heretofore. This would not prevent us from giving a stern warning to the Germans at the next renewal that severer conditions would be made at the end of the month. This modification of President Wilson's proposal did not mean any disagreement. It was quite clear that the five Governments were united. In dealing with the Germans, we must be careful not only of the substance, but also of the form. The slightest appearance of hesitation would be immediately interpreted by them as a sign of weakness and an encouragement to make use of it. President Wilson's plan, he again wished to repeat, satisfied him completely. He only wished to get more precision as to the date.

President Wilson said that M. Clemenceau had paid him an undeserved compliment. In technical matters most of the brains he used were borrowed: the possessors of these brains were in Paris. He would, therefore, go away with an easy mind if he thought that

his plan had been adopted in principle. He had complete confidence in the views of his military advisers. If the military experts were to certify a certain figure as furnishing a margin of safety, he would not differ from them. The only other question was to decide whether this was the right time to act. On this point, he was prepared to say yes. In another month's time, the attitude of Germany might be more uncompromising. If his plan were agreed on in principle, he would be prepared to go away and leave it to his colleagues to decide whether the programme drafted by the technical advisers was the right one. He did not wish his absence to stop so important, essential and urgent a work as the preparation of a preliminary peace. He hoped to return by the 13th or 15th March, allowing himself only a week in America. But he did not wish that, during his unavoidable absence, such questions as the territorial question and questions of compensation should be held up. He had asked Colonel House to take his place while he was away.

M. Clemenceau said that he was completely satisfied.

M. Pichon asked whether it would not be possible to obtain the report of the experts before the departure of President Wilson.

Lord Milner pointed out that the question had already been studied and the figure of 25 divisions had been laid down as the maximum Germany should maintain.

M. Orlando said that he was extremely glad of this agreement. He had felt that the difference was rather in the form than in the substance. It remained, however, to decide whether the Armistice should be renewed *sine die* or with a fixed term.

M. Clemenceau said that this question remained open.

M. Orlando said it must also be decided whether the Germans were to be given a warning that the reduction of their forces was to be imposed on them. He, himself, had asked Marshal Foch whether the reduction to 25 divisions corresponded to the maximum force which could safely be left to Germany as its final establishment. Marshal Foch had replied in the affirmative. Italy, before the war, had 25 divisions on a peace footing. Germany was a far larger country, and he was therefore inclined to think that 25 divisions must be the minimum required for internal order.

M. Sonnino asked whether there should not be in the Armistice a clause enabling the Allies to exercise some supervision over the disarmament required, and to force the Germans to accept an organisation of this kind.

President Wilson said that the military experts appeared to have means of obtaining knowledge

M. Sonnino said that Marshal Foch appeared to have doubt on this subject. We should be in a position to obtain week by week, or even day by day, knowledge of the measures taken by Germany to fulfil our demands.

President Wilson said that it might not be possible for the Governments to make a decision in 48 hours. For instance, the naval programme put up on the previous occasion contained some very "large orders." It would need very careful consideration. The Governments, therefore, could not be ready in time for the next renewal of the Armistice, but unless the Germans were told to be ready for something more drastic on the next occasion, they would think that the Allies were weakening. It would, therefore, he thought, be more prudent to renew the Armistice indefinitely and say that final terms would be put forward at the next renewal. It might not be possible for the Governments to be ready in a month. He, therefore, advocated a renewal *sine die*, coupled with the warning suggested above. The Armistice would then be ended by the formulation of definite preliminary terms of peace on military conditions. The question of the Kiel Canal and the question of the cables, included in the naval report, would have to be dissociated from the purely naval conditions to be imposed at the close of the Armistice. These matters concerned the ultimate peace.

Mr. Balfour said that, before lunch, he had circulated a series of resolutions which he thought might, perhaps, bring the discussion to a head and meet, perhaps, all the objections raised. Since listening to the discussion, he had re-drafted these resolutions and he proposed to read them, as amended, to the Meeting. Mr. Balfour then read the following:

The Supreme War Council agree that:

- (1) As a condition of the renewal of the Armistice Marshal Foch shall stipulate that the Germans shall desist from all offensive operations against the Poles, whether in Posen or elsewhere.
- (2) The Armistice with Germany shall be renewed for a short period terminable by the Allied and Associated Powers at three days' notice.
- (3) Detailed and final naval, military, and air conditions of the preliminaries of peace shall be drawn up at once by a Committee to be presided over by Marshal Foch and submitted for the approval of the Supreme War Council; these, when approved, will be presented for signature to the Germans, and the Germans shall be at once informed that this is the policy of the Associated Governments.
- (4) After the signature of these preliminaries of peace, Germany will be permitted to receive such controlled quantities of food, and raw materials for the rehabilitation of her industry, as shall be deemed just, having regard to the prior claims of Allied countries, especially those on whose industries Germany had deliberately inflicted damage.

- (5) The question of the quantities of food and raw material to be allowed to Germany after the signature of the preliminaries of peace shall be referred to the Economic Council for examination and report.

President Wilson questioned whether it would be good policy to forewarn the Germans at the next renewal of the Armistice of the intentions embodied in paragraphs (4) and (5).

M. Clemenceau said that, for this part, he would be very unwilling to do so, as the Allies would seem to be offering the Germans an inducement.

Mr. Balfour then suggested that only Clauses (1), (2) and (3) should be given to Marshal Foch for communication to the Germans; Clauses (4) and (5) could be accepted by the Governments as fixing their future policy when the military terms of a preliminary peace had been accepted by Germany.

(The above Clauses were then accepted, with the reservation that only Clauses (1), (2) and (3) should be communicated by Marshal Foch to the Germans.)

M. Clemenceau suggested that the military advisers should be summoned and that these clauses should be communicated to them. He pointed out that it would not be sufficient to tell the Germans to reduce their forces to a fixed number of divisions. Napoleon had done this and the Prussians had passed the whole population through the formations allowed them. It was, therefore, essential that the military experts should lay down what was to be Germany's military law. It might, further, be necessary to control these operations by means of High Commissioners appointed by the Allies.

Mr. Balfour added that a similar provision must be made concerning munitions.

(It was therefore decided that, after a short adjournment, the military experts should be summoned.)

**The Council of Ten, February 22 and February 24, 1919**

*Extracts from the Minutes of February 22 and February 24, 1919,  
giving in full the discussion of the Balfour Resolution.*

**FEBRUARY 22**

2. Mr. Balfour asked permission to move the following resolution:

(1) Without prejudice to the decision of the Supreme War Council to present Naval, Military and Air Conditions of Peace, to Germany at an early date, the Conference agrees that it is desirable to proceed without delay to the consideration of other preliminary Peace Terms with Germany and to press on the necessary investigations with all possible speed.

(2) The Preliminary Peace Terms, other than the Naval, Military and Air Conditions, shall cover the following points:

- (a) The approximate future frontiers of Germany;
- (b) The financial arrangements to be imposed on Germany;
- (c) Our economic relations with Germany after the war;
- (d) Responsibility for breaches of the Laws of War.

(3) In order that the Conference may have at its disposal with the least possible delay the results of the labours of the various Commissions which have been investigating these subjects it is requested that the various Commissions will send in their reports to the Secretary-General not later than Saturday, March 8th. This will not apply to Commissions set up after February 15th which may be unable to render their final reports at so early a date, but it is requested that in these cases interim reports may be presented dealing with all matters affecting the preliminaries of Peace with Germany.

A general feeling of impatience was now becoming manifest in all countries on account of the apparent slow progress the Conference was making in the direction of Final Peace. It would be folly to ignore altogether the danger that feeling might produce. It would be realised that abstract questions (such as the Financial Arrangements and Economic Relations), did not touch the hearts and interests of families; but the question of demobilisation did touch them very nearly. Now, the progress of demobilisation depended very largely on the final Military Terms to be imposed on Germany. A short time ago the Conference had agreed that it could not continue to add month by month new terms and conditions to the Armistice. It had been agreed that the Military Terms to be imposed on Germany should be drawn up in the form of a final scheme, which would definitely regulate her future armament. That problem had been

occupying the attention of the Military Advisers of the Supreme War Council who were now almost prepared to present their final report. He realised that it would probably take some time for the Conference and for the Governments of the Great Powers to consider the military report. Nevertheless the Naval and Military Terms of Peace appeared to be in advance of all other questions, such as frontiers, future economic relations, and attempts to bring to justice criminals, who had abused the Laws of War. That being the case, if the final Military Proposals were shortly to be ready for consideration by the Conference, should not advantage be taken of that fact to obtain an important instalment of the Preliminary Peace? If that instalment were carried, it would be possible for the Allies subsequently to impose on Germany all the other terms that might be considered just and fitting. His proposal did not imply that he did not consider it to be of the first importance to press on all the other enquiries mentioned in his draft note, namely:

The approximate future frontiers of Germany,  
The Financial Arrangements to be imposed on Germany,  
Economic Relations with Germany after the War, and  
The Responsibility for Breaches of the Laws of War.

In fact, in order to help on the acceleration, which he desired, the last paragraph of his draft note proposed that the various Commissions dealing with those questions should send in their reports to the Secretary-General not later than Saturday, March 8th. He was in no way prejudiced as regards the date given, but from the information which he had received it appeared very hopeful that by the 8th March next the various Commissions would be in a position to submit their reports.

In conclusion, he wished to add that he had that morning, in company with M. Pichon, discussed the question with M. Clemenceau, who inclined to the view that the Naval and Military Terms of Peace should not be separated from the other aspects of the case. M. Clemenceau was extremely anxious to expedite matters but he thought that end would be best obtained by waiting until a conclusion had been reached on all subjects. M. Clemenceau held the view that if the stimulus towards a rapid decision were removed by the acceptance of the Naval and Military Terms by Germany, the other questions would be delayed for an infinity of time by small controversies. M. Clemenceau held, therefore, that the end desired would best be obtained by treating all questions abreast rather than by taking up questions one by one as they reached maturity. Personally, he (Mr. Balfour) was in favour of his own proposal, but he would be glad to hear the views of his colleagues. Perhaps M. Pichon would confirm his report of M. Clemenceau's views.

M. Pichon agreed that Mr. Balfour had very correctly interpreted

M. Clemenceau's views. M. Clemenceau held that the whole of the Preliminary Peace Terms should be pressed forward with as little delay as possible in order to take full advantage of the present situation in Germany. In this opinion M. Clemenceau was supported by Marshal Foch and his military advisors.

Mr. House said he was very glad to see that the Conference intended to bring about as soon as possible a Preliminary Peace. In his opinion, the Peace Negotiations should have commenced on November 11th last, directly after the signing of the first Armistice. He had always felt that delay could only be favourable to Germany, and the longer the signing of Peace were postponed, the more chance would there be of circumstances becoming less favourable to the Allies. In regard to the two proposals now before the Conference, very severe military terms would have to be imposed on the Germans. And, he thought, the Germans would be more inclined to accept these conditions if, at the same time, the whole Peace Terms were made known to them. The Germans would then be made fully cognisant of their position.

M. Sonnino said that he had no objections to raise against the proposal to speed up as much as possible the settlement of Peace Preliminaries. But he must draw attention to the fact that Germany alone had so far been mentioned (*e. g.* the military conditions to be imposed on Germany, the economic, financial conditions to be imposed on Germany, &c.), and all other questions were presumably to be adjourned indefinitely. Now, the other questions were frequently just as complicated and contained elements even more dangerous than those included in the German settlement. In the case of Germany, as a matter of fact, the Allies were faced by one enemy only with whom an Armistice had been signed, with whom negotiations were being carried on, and by whom certain terms had already been accepted. For Italy, the Austrian question was more complicated in that the former Austrian Empire was now divided into various states, some of whom were friendly, others semi-friendly and others hostile. The Austrian question was, therefore, a delicate and awkward one to settle.

Should the military, economic and financial conditions to be imposed on Germany first be settled, what would happen to the other questions requiring settlement? He felt compelled to ask that question in the interests of his own country. Germany was an enemy of Italy, and the Italians had fought against her. But Italy also had another enemy, Austria, and in fighting her she had borne the full burden of the war. The Russian question, which had given rise to an infinity of dangers during the last few months must also not be lost sight of.

What guarantees, what pledges would Italy have that all those other questions would be dealt with? It seemed to him that Mr.

Balfour's proposal would have the effect of adjourning all those other questions indefinitely.

Mr. Balfour had said that the German question should first be settled and then demobilisation could proceed.

But when the British Army had been demobilised, and the American Army had gone home, Italy would be left to face alone a difficult situation. What would she be able to do? Whatever conditions the Allies might impose on Germany, she would be able to start again as soon as she saw fit, and no one would be there to prevent her doing so. He (M. Sonnino) agreed that everything possible should be done to hasten the signature of the Preliminaries of Peace. Some time had perhaps been wasted. That had been inevitable. But, in his opinion, the conditions of peace to be imposed on all enemy countries should be drawn up as quickly as possible and presented for acceptance. Otherwise, a separate peace having been made with Germany, the Allies might a few days later find themselves at war with half of Austria and perhaps also with Russia. What forces would the Allies then possess with which to defend themselves and what would be the final consequences?

Mr. Lansing expressed the view that it would be a mistake to treat the military terms of peace as distinct from the other terms of peace. He would prefer to embody all the terms of a preliminary peace in one document: a separate Treaty being made with each of the enemy countries on identic lines.

As soon as the future frontiers of the territories of Germany, Austria, Bulgaria and Turkey had been fixed, the state of war with the Czecho-Slovaks and Yugo-Slavs would *ipso facto* also cease and, at the same time, peace would have been made with the principal enemies.

He was strongly of the opinion that when peace terms came to be discussed with Germany, a complete document should be presented including everything and not merely a few Naval, Military and other conditions. He thoroughly agreed with M. Clemenceau's viewpoint.

M. Tardieu said that Baron Sonnino had displayed considerable anxiety at the proposal that the final military terms of peace should be forthwith imposed on Germany, for the reason that demobilisation in that quarter would ensue. That question had already been considered by the Supreme War Council and their military advisers were about to produce a definite scheme. The Conference was now asked to decide whether other questions, financial and economic questions, should be added to the military terms in order to present to the Germans at one time the whole of the Preliminary Peace Terms. In his opinion, the military situation would remain the same whether the financial or economic conditions were added to the military terms to be imposed on Germany, or not. He agreed with Baron Sonnino that after the conclusion of the preliminary peace with Germany,

difficult questions would still remain to be settled with other enemy countries. Nevertheless it would be agreed that all other problems would become easier of solution once peace with Germany had been concluded. For instance, the question of German Austria would become easier to solve after the frontiers of Germany had been fixed. Similarly, the conclusion of peace with Germany would remove one of the disturbing factors in the Russian situation. Consequently, he thought it would be possible to reconcile the two proposals before the Conference, namely, Mr. Balfour's proposal for a separate peace with Germany, and Baron Sonnino's desire to include all enemy countries. Meanwhile, he would urge all the commissions and committees to expedite the submission of their reports with as little delay as possible.

Mr. Balfour pointed out that the third paragraph of his draft note covered the last point raised by M. Tardieu.

Mr. House enquired whether the final military terms would be embodied in the Armistice, or in the Final Peace Treaty.

Mr. Balfour thought that Mr. House's question did not arise out of the proposals now being discussed, since the present Armistice could be terminated at three days' notice.

M. Pichon thought the Conference should consider first of all the German question, because it was, as M. Tardieu had said, the principal and the essential question.

M. Sonnino here interjected "for you."

M. Pichon, continuing, said that he thought it was the principal and essential question for the Italians also, because Germany was the principal enemy. Furthermore, the conditions under which the last armistice had been renewed must be considered. Germany had been told that the Armistice would be renewed for a short term only, and the Allied military experts had been instructed to draw up and submit the final naval and military Terms of Peace, for the consideration of the Conference.

Mr. Balfour's proposal, which he (M. Pichon) thoroughly approved of, could very well be said to cover the points raised by M. Sonnino. The sole object of Mr. Balfour's proposal was to complete the military terms to be imposed on Germany by the addition of economic and financial clauses, the whole of which document would thus constitute the Preliminaries of Peace. The whole situation with Germany was, at the present moment, extremely serious and delicate, and it might become very unfavourable to the Allies if, after having announced to the Germans the fact that the final conditions would shortly be sent, the Allies found themselves unable to do so. Further, public opinion expected that this should be done, and great disappointment would arise should the Conference fail to keep its engagements, for the public considered that all other problems were bound up in the settlement of the German question. He thought it would be impossible to settle all the peace questions

relating to every enemy country at one time. But as soon as the German question had been settled, he agreed the Conference could at once devote its attention to the settlement of the problems relating to Turkey, Bulgaria and Austria-Hungary; though, as regards the latter country, which had no Government, he did not know with whom the Allies could discuss conditions. To sum up, however, he thought the Conference should at once settle the German problem, and immediately afterwards the Austrian. In his opinion, the Conference would only be complying with public opinion, and with the necessities of the present moment by adopting the procedure suggested by Mr. Balfour.

Mr. House enquired whether the Conference agreed to accept M. Clemenceau's proposal that all the terms of Peace should be dealt with together, instead of first dealing with the Military Terms.

Mr. Balfour said he would be prepared to accept that proposal provided it expressed the unanimous view of the Conference.

Baron Sonnino said that when last treating the question of the Armistice, the Conference had decided to invite the Allied military advisers to propose final Military Terms of Peace. The reason then given for agreeing to that procedure had been the desire to settle the military question with as little delay as possible. Firstly, in order to remove once for all, the necessity for the constant renewal of the Armistice and, secondly, also because once the military terms had been accepted by Germany it would be easier later on to impose all other necessary conditions. On that occasion, M. Orlando supported by President Wilson, had asked that the same procedure should be followed in regard to Austria-Hungary. That proposal had also been accepted, and consequently no distinction had then been made between the two cases of Germany and Austria-Hungary. The two cases could not, therefore, now be separated, thereby creating a dangerous distinction. He, M. Sonnino, fully agreed that everything should be done to speed up the settlement of all questions. He would prefer first to get the military conditions out of the way, after which all the rest could be examined together. But, if the Conference decided to make a distinction and to separate the German question from the Austro-Hungarian question, and let everything else slide, the situation so created would spell revolution in Italy. Such a procedure would mean an indefinite prolongation of the Peace Negotiations with all other enemy countries: Italy would be obliged to keep up armaments whilst the other Allies were demobilising, thus bringing about in Italy a state of general discontent which could not with safety be allowed to continue.

In order to show a conciliatory spirit, he would be prepared, however, to accept the proposal made by Mr. Balfour on the understanding that whenever the word "*Germany*" appeared in his draft note, the words "*and Austria-Hungary*" should be added. Otherwise the

words "*enemy powers*" should be substituted for "*Germany*." As far as the military conditions were concerned, he held the view that it would be preferable to settle the military terms at once, as the Allies would then be in a position to impose on the enemy the economic, financial and other conditions which might be considered just and equitable.

Mr. House thought that the peace terms to be imposed on all enemy Powers should be worked out simultaneously. Eventually, when the Conference met to decide the final Peace Terms, all the belligerents would be able to attend at the same time.

M. Sonnino agreed to accept that proposal. He asked that the words "*Austria-Hungary*" should be added after the word "*Germany*" wherever it occurred in Mr. Balfour's note. Otherwise, "*enemy countries*" could be substituted for "*Germany*."

Mr. Balfour said that the Conference had a most important question to decide. He fully agreed with Baron Sonnino that other questions should not be delayed, whilst the questions with Germany were being settled. All he pleaded for was that the Conference should at all events get through with Germany with all due speed: that the settlement of Germany should not be held up until the more complex problems of Austria-Hungary, Turkey and Bulgaria had been solved. The latter questions were, no doubt, fully as important, but the German question was more ripe for decision. Baron Sonnino had expressed the view that after Germany had been got out of the way, serious military troubles would arise with Austria-Hungary and Turkey. In his opinion that was a delusion. It was very difficult to believe that military troubles would arise in those countries once peace had been concluded with Germany. He (Mr. Balfour) was willing to accept any course that would not delay peace with Germany. If other cases could be got ready at the same time, so much the better: but it was essential that settlement with Germany should not be postponed until all other questions were ripe for settlement. In conclusion, he wished to ask the Conference to accept the following re-draft of his note:

1. Without prejudice to the decision of the Supreme War Council to present naval, military and air conditions of peace to Germany at an early date, the Conference agree that it is desirable to proceed without delay to the consideration of Preliminary Peace Terms and to press on the necessary investigations with all possible speed.

2. The Preliminary Peace Terms, other than the naval, military and air conditions, should cover the following points:

- (a) The approximate future frontiers of enemy countries;
- (b) the financial arrangements to be imposed on enemy countries;

- (c) our economic relations with enemy countries after the war;
- (d) responsibility for breaches of the laws of war.

3. In order that the Conference may have at its disposal with the least possible delay the results of the labours of the various Commissions which have been investigating these subjects it is requested that the various Commissions will send in their reports to the Secretary-General not later than Saturday, March 8th. This will not apply to Commissions set up after February 15th which may be unable to render their final reports at so early a date, but it is requested that in these cases interim reports may be presented dealing with all matters affecting the preliminaries of peace with Germany.

4. The Conference are of opinion that the question relating to the preliminary peace with Germany shall not be held up till the questions relating to other enemy countries are determined.

Baron Sonnino said he had two observations to offer to Mr. Balfour's proposal. He would first deal with a question of secondary importance, but it would be recollected that the Conference had decided on M. Orlando's proposition, to instruct their Military Advisers to draw up the final Military and Naval terms with Germany and Austria-Hungary. He would, therefore, ask that the first paragraph should be made to read as follows: "Without prejudice to the decision of the Supreme War Council to present Naval, Military and Air conditions of Peace to Germany, and *Austria-Hungary* at an early date, the Conference agree, etc."

The second and more important question he wished to raise had reference to paragraph 4. He could only see in it an invitation to all Commissions to expedite the solution of questions dealing with Germany to the exclusion of all other questions. If paragraph 4 had any meaning at all, it could only mean that henceforth the Conference would push on Peace with Germany and the rest could wait. Otherwise it had no *raison d'être*. In his opinion, it was an invitation to the Conference to postpone all other questions with the exception of those relating to Germany.

Mr. House said he would suggest going back to Mr. Balfour's original proposition regarding Germany; and similar proposals would be drawn up for the other enemy countries, with such alterations as might be necessary. The Conference would then, without delay, appoint the necessary Committees to deal with the various questions which still required to be examined and reported on.

M. Tardieu thought that M. Sonnino was mistaken in his interpretation of paragraph 4 of Mr. Balfour's new draft proposals. It was not suggested that settlement with Germany should be expedited to the exclusion of a settlement with other enemy countries. It would be relatively easier to make peace with a country like Ger-

many, which still existed as a whole, rather than with Austria-Hungary, which had now disintegrated into a number of entities, partly friendly, partly hostile. For this reason he wished strongly to support Mr. House's proposal.

M. Sonnino held that the same result would be obtained by accepting Mr. Balfour's amended text with the omission of paragraph 4.

Mr. Lansing suggested that the first paragraph of Mr. Balfour's first proposal should be made to read as follows:

The Conference agree that it is desirable to proceed without delay to the consideration of Preliminary Peace Terms and to press on the necessary investigations with all possible speed.

If so corrected the whole note would yield a text that would be made to apply to all enemy countries, a separate resolution being drawn up for each country.

M. Sonnino said he would gladly accept the first paragraph as just amended by Mr. Lansing. That being done, he would further be prepared to accept Mr. Balfour's original draft, provided the words "enemy countries" were substituted for "Germany" in paragraph 2 and provided the last two words "with Germany" were omitted from paragraph 3. He clearly understood that under those conditions paragraph 4, proposed by Mr. Balfour, would disappear. In his opinion, there was no reason why Germany should go ahead of all other enemy countries, though it would be in the competence of the Conference at any moment to dispose of any set of subjects which might be ripe for solution. The inclusion of paragraph 4, as he had already stated, could only be interpreted as an invitation to delay all other subjects except those dealing with Germany.

Mr. Balfour said that he could not admit the inference. Paragraph 4 of his Draft Resolution did not imply that the Conference took no further interest in Austria-Hungary. It merely said that the Conference was of the opinion that the questions relating to the preliminary peace with Germany should not be held up until the questions relating to other enemy countries were determined. The view therein expressed in reality constituted the main part of the policy he wished to recommend to the Conference. Paragraph 3 of the Draft Resolution laid down that the consideration of all subjects should be speeded up. But, on the other hand, it was most important to get a preliminary peace with Germany as soon as possible. He felt that on that point Baron Sonnino and he himself held quite different views. The arrangements to be made with other countries should not be stopped on account of Germany; but, on the other hand, other countries should not prevent a settlement being reached with Germany.

M. Sonnino said that all he asked for was that no statement

should be made to the effect that German questions should have preference over all others. Naturally, when reports were submitted by Committees, the Conference could decide to dispose of them irrespective of the enemy country involved. Otherwise, he feared the Committees would be influenced by the adoption of any resolution, such as had been proposed by Mr. Balfour.

Mr. Lansing thought that the Conference had lost sight of his proposals to have separate identic resolutions in respect of each enemy country.

Mr. Balfour understood that to mean that separate Commissions would have to be appointed dealing with each enemy country. He wished to enquire whether it would be possible to man all such Commissions, not only as regards the settlement of frontiers, but also as regards economic, finance and other questions.

Mr. House said the American Delegation would be in a position to do so.

M. Pichon said that it was highly desirable to hasten on as soon as possible the settlement of all questions with Germany. That was the basis of the proposal made by Mr. Balfour. All information received from sure sources in Germany seemed to point to the fact that the present moment was particularly favourable for an immediate settlement. Therefore the present opportunity of reaching a settlement with Germany should not be allowed to pass, and it was essential that the various Commissions dealing with financial, economic and all other questions should also submit their reports without delay.

M. Sonnino had said that the Allied military advisers were ready to submit the final military terms to be imposed on Germany. He thought that only emphasised the fact that the other Commissions should rapidly come to a conclusion, so that, with as little delay as possible, the Allies might be in a position to present their preliminary peace terms to the Germans. That would not, however, in any way retard the examination of problems concerning Austria-Hungary and other enemy countries.

He (M. Pichon) thought M. Sonnino was mistaken in thinking that the Conference proposed to separate the two problems of Germany and Austria-Hungary in order to hasten the solution of the one at the expense of the other. He thought, however, the proposition that all questions concerning Germany should come first would be unanimously accepted, both on account of its situation and on account of the promise made at the last renewal of the armistice.

These, then, were the reasons in favour of giving the German question priority; these were the reasons which had led Mr. Balfour to make his proposal. The Conference had never for a moment dreamed of adjourning or retarding the consideration of all other questions. But the settlement of the German question was urgent.

M. Sonnino said that the Allies had only had one front during

the war; were now two or three fronts to be created during the peace? He could not consent to that. He quite understood the necessity for pushing on the settlement of the final terms to be imposed on Germany; but if the German question were detached from the rest of the questions which called for settlement, that would be like constituting a second front, and he could never accept a proposal of that kind. Such a procedure would have most deplorable and most disastrous results in Italy, for it would be impossible to keep such decisions from the ears of the public.

If the Conference persisted in its intention, he (M. Sonnino) could not prevent it: each member must vote as he thought best; but he could not approve a decision which would constitute a positive menace to his own country.

He would not be opposed to priority being eventually given to the German questions, if these were the first to become ripe for solution. But he could not agree that a condition to that effect should be made in advance.

Lord Milner enquired whether it would not be more important than anything else for the Conference to devote its time to a consideration of the final naval and military terms with Germany, provided the reports of the military advisers were ready. Once an agreement was reached on that subject, one compartment of the peace work would be finally dispensed with, even though the decisions reached were not at once presented to Germany.

Mr. House persisted in his opinion that the Conference should go back to Mr. Balfour's original proposal as regards Germany, and then pass similar resolutions as regards Austria-Hungary, Turkey and Bulgaria. He thought no one could object to that procedure.

Mr. Balfour thought that a decision had been reached that the Conference would not proceed with the military terms of peace as a separate proposition, and he regretted that M. Sonnino had again referred to that proposal. M. Clemenceau objected to it, and he (Mr. Balfour) did not wish to insist. In any case, it was a relatively small matter. The question of real importance was whether the Conference should decide to press on all questions leading to peace with Germany without getting entangled with all other questions relating to Austria-Hungary, Turkey and Bulgaria. He felt very strongly on that point and urged his colleagues to accept the proposals contained in the fourth paragraph of his revised note.

M. Sonnino enquired whether Mr. Balfour would agree to accept Mr. House's and Mr. Lansing's proposal.

Mr. Balfour said he preferred his own draft, but he would accept Mr. House's proposal merely with a view to reach a unanimous agreement.

M. Pichon said he would accept Mr. House's proposal for the reason given by Mr. Balfour.

M. Sonnino also expressed his willingness to accept Mr. House's proposal as an act of conciliation. He understood that four texts would be prepared, indentic in form, except that a different enemy country would be mentioned in each. The note would, in each case, commence with the words: "The Conference agree that it is desirable to proceed without delay to the consideration of preliminary peace terms, etc."

Baron Makino enquired whether the approximate future frontiers of Germany, referred to in paragraph 2(a), included the German colonies.

Mr. Balfour replied that it was intended to include the colonies.

Baron Makino thought that, in that case, leased territories of Germany should also be included.

Mr. Lansing proposed that paragraph 2(a) should be made to read: "The approximate future frontiers of Germany and the renunciation of colonial territories and treaty rights outside Europe," the words "and the renunciation of colonial territories and treaty rights outside Europe" being omitted from the texts relating to Austria-Hungary, Turkey and Bulgaria.

(This was agreed to.)

Mr. Lansing further proposed that the first part of paragraph 2 should be made to read as follows: "The preliminary peace terms, other than naval, military and air conditions, should cover, *inter alia*, the following points."

(This was agreed to.)

M. Klotz suggested that paragraph 2(b) should be made to read: "The financial conditions to be imposed on. . ."

(This was agreed to.)

Mr. Lansing next proposed that paragraph 2(c) should be made to read: "The economic conditions to be accorded to . . ."

(This was agreed to.)

M. Matsui enquired, with reference to paragraph 2(a), whether that would include all rights such as rights over the railways and mines in China acquired by Germany.

Mr. Balfour thought that the words "*inter alia*" would cover such questions.

Mr. Lansing agreed, and remarked that the words "*inter alia*" would also cover the question of prisoners of war, which he had intended to raise separately.

(It was agreed that texts of the following draft note, relating respectively to Germany, Austria-Hungary, Turkey and Bulgaria, should be prepared and distributed that evening, for consideration at the next meeting of the Conference:

1. The Conference agree that it is desirable to proceed without delay to the consideration of preliminary peace terms with . . . and to press on the necessary investigations with all possible speed.

2. The Preliminary Peace Terms, other than the naval, military and air conditions, should cover *inter alia* the following points:

- (a) the approximate future frontiers of . . . (for *Germany only*: and the renunciation of colonial territories and treaty rights outside Europe);
- (b) the financial conditions to be imposed on . . . ;
- (c) the economic conditions to be accorded to . . . ;
- (d) responsibility for breaches of the laws of war.

3. In order that the Conference may have at its disposal with the least possible delay the results of the labours of the various Commissions which have been investigating these subjects, it is requested that the various Commissions will send in their reports to the Secretary-General not later than Saturday, March 8th. This will not apply to Commissions set up after February 15th which may be unable to render their final reports at so early a date, but it is requested that in those cases interim reports may be presented dealing with all matters affecting the preliminaries of peace with . . . )

#### FEBRUARY 24

2. M. Pichon said that the four texts had been circulated in accordance with the Resolution passed on Saturday last, and he called on M. Sonnino to make his remarks.

M. Sonnino called attention to the fact that the words: "and the renunciation of Colonies and territorial rights outside Europe" had been omitted from paragraph 2(a) of the Resolution relating to Austria-Hungary. He agreed that Austria-Hungary had no Colonies, but Austria certainly had certain territorial rights outside Europe. He proposed, therefore, that the paragraph in question should be made to read as follows:

- (a) The approximate future frontiers of Austria-Hungary and the renunciation of territorial rights outside Europe.

(This was agreed to.)

M. Pichon pointed out that considerable objection had been raised to the use of the words "Preliminary Peace Terms" in Clause 1 of the Draft Resolutions. The view was held that those words implied that whatever might be done under the heading of Preliminary Peace Terms would in some cases (as in the case of the United States of America), entail a reference to the national legislature. He proposed, therefore, to use the words "Preliminary Conditions" instead of "Preliminary Peace Terms."

Mr. Lansing enquired what was meant exactly by the words "Preliminary Conditions."

M. Pichon replied that his definition would be conditions, which did not form part of the Peace Terms. That is to say, the conditions would in reality form part of the Armistice.

Mr. Lansing said that he would very strongly object to any such change.

Mr. Balfour said that he shared Mr. Lansing's view. But M. Pichon's contention was that in the case of the United States of America, decisions taken under the heading: "Terms of Peace" would have to be referred to the Senate.

Mr. Lansing explained that in America only a final and negotiated Treaty, after having been signed by the President, had to be submitted to the Senate for approval, before the exchange of ratification. In regard to the provisions inserted in the Resolutions, if those were finally negotiated with Germany, the document containing these conditions would become a Treaty of Peace and *ipso facto* would have to be submitted to the Senate. Had he wished to raise an objection, it would have been to the use of the word "preliminary," but he did not wish to press that point.

(It was agreed to retain the words "Preliminary Peace Terms" in paragraph 1.)

Lord Milner said:

Speaking for myself, personally, I still think that the final disarmament of Germany, I mean our bringing her down to that degree of strength for war purposes which we are willing to allow her permanently to maintain, is extremely urgent, that it is a step which we ought to take as soon as we possibly can, and that it is a step which when taken, will greatly expedite the acceptance, not only by Germany but by all our enemies, of all other conditions of peace. It is also an absolutely essential preliminary to our own demobilisation on anything like the scale on which we all hope to demobilise.

Till Saturday last I thought we were all agreed upon this. Now I feel some doubt about it. I do not wish to raise any further discussion over the Resolutions which we are just about to pass. But I hope I am justified in assuming that the passing of these Resolutions does not preclude us from proceeding at once to impose upon Germany those final military, naval and other conditions of a like nature, which Marshal Foch and his colleagues are at present discussing if, when we see them, they commend themselves to us. I hope in other words, that it still remains free to any one of us to raise at that juncture the question of their immediate presentation.

M. Sonnino said that he had himself made the same proposal yesterday and it had been opposed.

M. Pichon thought that Paragraph 2 gave complete satisfaction to Lord Milner's opinions, since the naval, military and air conditions had been specially excluded. He thought that in accordance with the

decision reached on Saturday last, military terms could be discussed and settled as soon as they could be presented by the Commission appointed to draw up the necessary recommendations.

Marshal Foch pointed out that the military conditions would merely define Germany's military situation for the time being. Certain military conditions would be imposed on Germany: but in three or four months when the other conditions would have to be imposed, the moment might be less favourable to the Allies; for whatever military conditions might be imposed on Germany she would still be in a position in due course to reconstitute her army, material means to that end being still available. In addition to the military clauses, it was essential that other clauses relating to frontiers, indemnities, etc., should at the same time be imposed on Germany. That is to say, a summary of the Peace Treaty should forthwith be drawn up and presented to Germany. Otherwise, when the time came to present the final peace terms, the Allies who would have continued to demobilise, would find themselves unprepared to face a re-constituted German army.

M. Tardieu thought that in reality no contradiction existed between Marshal Foch's and Lord Milner's views. He thought the military terms would be ready for discussion in a few days' time, and in accordance with the Resolutions the rest of the conditions would be submitted to the Conference by the 8th March next, so that only a short interval of time would elapse between the settlement of the two sets of questions.

Marshal Foch explained that all he had meant to say was that a connection between the two sets of questions would be necessary.

Mr. House expressed the view that in reality no difference of opinion existed between the Members of the Conference. He suggested that further discussion could be deferred to the time when the necessary reports of the Committees would be received.

(It was agreed to accept the four sets of Resolutions relating to the procedure of the Preliminary Peace Conference, as amended.)

**The Council of Ten, January 30, 1919**

*Secretary's Notes of a Conversation Held at M. Pichon's Room  
at the Quai d'Orsay, Paris, on Thursday, January  
20, 1919, at 11 A. M.*

**PRESENT**

| AMERICA              |                                    | FRANCE          |  |
|----------------------|------------------------------------|-----------------|--|
| UNITED STATES OF     | BRITISH EMPIRE                     |                 |  |
| President Wilson     | The Rt. Hon. D. Lloyd George, M.P. | M. Clemenceau   |  |
| Mr. R. Lansing       | The Rt. Hon. A. J. Balfour, M.P.   | M. Pichon       |  |
| Mr. A. H. Frazier    | The Rt. Hon. W. M. Hughes          | M. Simon        |  |
| Mr. L. Harrison      | Gen. The Rt. Hon. L. Botha         | M. Dutasta      |  |
| Col. R. H. Williams  | The Rt. Hon. W. F. Massey          | M. Berthelot    |  |
| Mr. G. L. Beer       | Mr. C. J. B. Hurst                 | Captain Portier |  |
| Prof. E. T. Williams | Lt. Col. Sir M. P. A. Hankey       |                 |  |
| Mr. D. H. Miller     | Major A. M. Caccia                 |                 |  |
|                      | Mr. H. Norman                      |                 |  |
| ITALY                |                                    | JAPAN           |  |
| M. Orlando           |                                    | Baron Makino    |  |
| Baron Sonnino        |                                    | Viscount Chinda |  |
| M. Salvago-Raggi     |                                    | H.E. M. Matsui  |  |
| Count Aldrovandi     |                                    | M. Saburi       |  |
| Major Jones          |                                    | M. Kimura       |  |

Interpreter—Professor P. J. Mantoux

1. M. Clemenceau said that it was intended that morning to continue the exchange of views on the question of the disposal of the German Colonies.

Mr. Lloyd George said that he had circulated a document<sup>1</sup> to each of the representatives of the Great Powers. That document did not represent the real views of the Colonies; but it had been accepted by them as an attempt at a compromise. Great Britain had deliberately decided to accept the principle of a Mandatory, but that decision had not been wholly accepted by the Dominions. The Dominions, however, were prepared to accept the conclusions reached in the document as a compromise, because they fully realized that there could be no greater catastrophe than for the delegates to separate without having come to a definite decision. It had been decided to accept the doctrine of a Mandatory for all conquests in the late Turkish Empire and in the German Colonies. But three classes of mandates would have to be recognized, namely:

*Firstly:* Mandates applicable to countries where the population

<sup>1</sup> For the resolution as offered and as adopted, see Vol. I, p. 109 sq.

was civilized but not yet organized—where a century might elapse before the people could be properly organized; for example, Arabia. In such cases it would be impossible to give full self-government and at the same time prevent the various tribes or units from fighting each other. It was obvious that the system to be applied to these territories must be different from that which would have to be applied to cannibal colonies, where people were eating each other.

*Secondly:* Mandates applicable to tropical Colonies situated a long way from the country of the possible Mandatory. In other words, territories which did not form an integral part of any particular Mandatory country; for example, New Guinea. In these Colonies the full principle of a Mandatory would be applied, including the "open door."

*Thirdly:* Mandates applicable to countries which formed almost a part of the organization of an adjoining Power, who would have to be appointed the Mandatory.

*Finally,* he wished to emphasize the fact that the memorandum was intended to deal only with those parts of the Turkish Empire and of the German Empire, which had actually been conquered. Districts such as Smyrna, Adalia, the North of Anatolia were purposely excluded. Such territories would have to be considered separately on their merits.

Mr. Hughes said that the Prime Minister of Great Britain had accurately set out the position taken up by the Dominions. The members of the Conference had already heard his own views and they knew that Australia desired direct control. But Australia fully recognized that grave interests, involving the fate of humanity, were at stake, and, therefore, he did not feel justified in opposing the views of President Wilson and those of Mr. Lloyd George, beyond the point which would reasonably safeguard the interests of Australia. He had indicated to the Conference substantially the position as it stood, because his Government had desired him to emphasize its position and its attitude towards it, and it had asked him to press for direct control. As soon as his Government had heard that the Mandatory principle was to be imposed, it had asked for full details and for an opportunity of considering those details. His colleagues were to meet for this purpose that afternoon and he felt compelled, therefore, to withhold his assent until they had communicated their decision.

2. President Wilson said that, first of all, in unaffected good humor, he wished to refer to a question of privilege. Each morning in the Paris Press, printed in English, appeared a great deal more information regarding the meetings than was given in the official communiqués. He referred especially to the comments on President Wilson's idealistic views. It was stated, for instance, that, as regards President Wilson's ideals, he (President Wilson) did not

know how his ideals would work. If these articles continued to appear, he would find himself compelled to publish his own views. So far he had only spoken to people in that room and to the members of the American Delegation, so that nothing had been communicated to the Press regarding President Wilson's views, either by himself or by his associates. He and his colleagues had been extremely scrupulous that nothing should come from them that implied that there were divergencies of view. For example, the Press had disclosed that morning that there was, apparently, a Dominion point of view, and that the United States of America was in some way or another standing out against that view. If these articles continue to appear a public discussion would become inevitable, and such a public discussion would be fatal at this juncture. He himself was greatly distressed at these occurrences, but he did not know how they could be prevented. Nevertheless, the time might come when he would be compelled against his own wishes to make a full public exposé of his views.

3. Next, to take the document circulated by the Prime Minister of Great Britain, he considered it to be a very gratifying paper. It made a long stride towards the composition of their differences, bringing them to within an easy stage of final agreement. On the other hand, he did not think they could have a final decision immediately. Mr. Hughes, for instance, wished to discuss the question with his colleagues, who were anxious to know just what it all would mean. Mr. Hughes was not in a position to answer that question, neither could anyone else answer it. He could say that President Wilson said that a Mandatory would work in a certain manner, but President Wilson's views had not been adopted. There were obviously other views but he could not say what they were. He (President Wilson) had in his possession a separate paper showing how the scheme would work in connection with the League of Nations, but that scheme had not yet been accepted. He had discussed it with Lord Robert Cecil and Mr. Balfour, and that day he would discuss it with M. Orlando. So far these were merely the exchange of general views in an attempt to arrive at a decision.

Furthermore, the difficulty with which they were faced was not to satisfy the Powers in that Room (France, the United Kingdom, Italy and America), but to satisfy the disturbed communities of the world, mostly on the other side of the Rhine. It would be difficult to harness these communities to any kind of arrangement. It would be impossible to drive them tandem; they must be driven abreast. Mr. Lloyd George was disturbed with regard to the number of troops which had to be maintained in different parts of the world—troops which could not be withdrawn until Peace was signed. Even if an understanding could be reached with another country to replace these troops, the world would ask, "Are you exchanging territories

before Peace is made?" For instance, it had been suggested that America should act as a Mandatory. The people of America would be most disinclined to do so. He himself had succeeded in getting the people of America to do many things, and he might succeed in getting them to accept this burden also. But even if it was suggested that American troops should occupy Constantinople, or Mesopotamia, it was evident that they could not do so as they were not at war with Turkey. Therefore, it would, in his opinion, be extremely unwise to accept any form of mandate until they knew how it was intended to work.

To return to the immediate subject, could they take a clean sheet, and say that Australia, for example, would accept a mandate about New Guinea? How would that mandate be exercised? What would it involve? No one could give an answer to Australia. He could say that he himself had proposed various forms of mandate. He surmised that the character of the mandate would be left in the hands of an Executive [Council?] of the League of Nations, consisting of the Great Powers with a minority representation of the smaller Powers. He imagined, also, that no action could be taken by that Council in the face of three negative votes. Should that system be adopted it would be impossible for any harmful conditions to be imposed upon the Mandatory State. But that arrangement had not yet been adopted; no agreement had as yet been reached. He had been accused of being a hopeless Idealist, but as a matter of fact he never accepted an ideal until he could see its practical application. The practical application was always the more difficult. Mandatories might work unsatisfactorily under one programme, whilst they might work well under another. Therefore no one should accept the scheme unless it was shown how it was going to work. The Mandatory system was not intended to satisfy merely the interests of the Mandatory Power but to care for, protect and develop the people for whom it was intended. Consequently to hand over distinguishable [?] people to a Mandatory in perpetuity and to say: "You never shall have a voice in your future; you are finally disposed of," would be contrary to the principles of that Conference and contrary to the principles of self determination accepted by it. For instance, if South Africa managed South-West Africa as well as she had managed her own country, then she would be married to South-West Africa. Further, it would be necessary to define the methods of self-expression of the ward or people under tutelage. There must be a responsible body which would be in a position to hear that self-expression and not be carried away by its sympathies. As had already been stated, in many parts of the world hitherto German, strong German influences might remain; but they were familiar with German methods and the body proposed would be most familiar with the German nature. However, his was merely

a personal proposal and he could give no assurances that it would be accepted. But, whilst accepting the paper of Mr. Lloyd George as a precursor of agreement, it did not constitute a rock foundation, as the League of Nations had not yet been fixed, on which this superstructure would rest.

Therefore, he thought that the whole idea on which this principle depended should be put forward and then the Nations would know where they stood. Meanwhile, he would accelerate discussion of all these disturbing questions of the world which prevented Europe from settling down to normal life. The Great Powers had agreed that the League of Nations should form an integral part of the Peace Treaty. Therefore, it could not be accepted by itself, and to make the document presented by Mr. Lloyd George valid, they were bound to complete a preliminary peace. He thought that could be done in a few weeks. Disinterested students had been studying territorial questions on documentary evidence of every kind, working like scholars and basing their conclusions on acknowledged facts as far as they were ascertainable. If a map of Europe were produced showing the limits of the territories to be created, based on historical, racial and economic facts, the Great Powers could then sit down to consider these suggestions and give weight to those points of view, such as expediency, natural antagonisms, etc., which played no part in scholarly wisdom. They could then arrive at a conclusion quickly and be able to conclude the preliminary peace, and the League of Nations would thereby be established without the haunting element of conjecture. In every instance the mandate should fit the case as the glove fits the hand. In conclusion, accepting the document presented by Mr. Lloyd George as practically clearing away all prospects of serious differences, he thought they should build upon this agreement the solid foundations which would carry this superstructure.

Mr. Lloyd George remarked that, with all due deference to President Wilson, he could not help saying that the statement to which they had just listened filled him with despair.

Should that attitude be taken about each question, no agreement would ever be reached. If the Delegates said that they could not agree to problem (a) until agreement had been reached regarding questions (b), (c), (d), (e) and (f), the result would be disastrous. Each of them had his questions (b), (c), (d) and (e) which he considered more important than any other. Further, he would point out that it was only with the greatest difficulty that the representatives of the Dominions had been prevailed upon to accept the draft submitted even provisionally. These gentlemen were not enamoured of the Mandatory system; they represented real democracies and the people were solid behind them on this question. He had reminded them that they were not only members of a particular

democracy but also members of a Conference which had met to settle the peace of the world. Consequently, they had accepted his proposals, but only as a compromise. Now, President Wilson had expressed the view that the Mandatory business should not be trusted until more was known about it, that was to say, until the League of Nations was definitely set forth on paper. To this, the representatives of the Dominions would obviously reply that they wished to see it working and not on paper. President Wilson had suggested that they should leave the Colonial questions for the moment and take up those relating to Europe. There, again, they would be met with difficulties which would have to be settled by the League of Nations, so that the proposal really meant a 15 days' adjournment until a paper League of Nations was produced. He felt confident that what had been done last Saturday in giving birth to a League of Nations was a reality. It had really been born. That he treated as a fact. Therefore, he begged them to accept it as such and to get to business.

The suggestion that the constitution of the League of Nations would be completed by the end of next week, he considered rather sanguine, as it meant formulating the constitution of the whole world. How long did it take to lay the foundations of the 13 original States of the United States of America? How long did it take to produce the constitution of the Federation of the States of Australia? To think that a federation of the whole world could be produced in 9 or 10 days would be ideal. However, he was only pleading for immediate peace. It was not across the Rhine that his Government had to keep their eyes, but at home. At the present moment, the British Empire was maintaining 1,084,000 troops, including 300,000 British troops, in the Turkish Empire alone, and the settlement of that part of the world was, therefore, important. In conclusion he felt that if the Delegates continued to adjourn questions, because they were not as important as others, no final decision would ever be reached. He sincerely hoped, therefore, that his colleagues would provisionally adopt the resolutions he had submitted, subject to such reconsideration as might be required when the complete scheme of the League of Nations was formulated.

President Wilson expressed the view that he had said nothing which need justify discouragement. He was willing to accept Mr. Lloyd George's proposals, subject to reconsideration when the full scheme of the League of Nations was drawn up. He suggested that the resolutions be accepted as an immediate settlement, and, if the proviso added by Mr. Lloyd George were added, it would prevent any misunderstanding. Mr. Lloyd George said that the League of Nations had already been accepted, and that it would be necessary to turn to it for the settlement of various questions. In his opinion, that view emphasized the necessity to know the instrumentality which was to deal with these questions. It would be impossible to refer to

an undefined instrument. He did not wish to delay any decision and he was ready to accept any provisional arrangement.

Yesterday they had listened to a discussion between the Czechoslovaks and the Poles, but it was inconclusive because there was nothing on the table saying what was to be discussed. M. Dmowski had said that Poland must be a barrier between Russia and Germany. Did that mean a barrier based on armaments? Obviously not, because Germany would be disarmed and if Germany was disarmed Poland could not be allowed to arm except for police purposes. To carry out such disarmament the necessary instrumentality for superintendence would have to be set up. That was the gist of the question. Therefore, he would urge his colleagues to press on the drafting of the League of Nations in a definite form.

Mr. Lloyd George enquired whether the actual constitution itself of the League of Nations would have to be settled before the meeting of the Delegates could discuss the Italian, French or Polish question.

President Wilson replied in the negative and added that in future only definite propositions should be discussed and meanwhile the drafting of the constitution of the League of Nations should be pressed forward. Yesterday, they had been unable to confine the discussion within proper limits because they did not discuss anything in particular, therefore he would urge that they should formulate the League of Nations as a final court of appeal. In conclusion he expressed his readiness to accept as a provisional arrangement the resolutions proposed by Mr. Lloyd George.

4. M. Orlando expressed his pleasure at the agreement reached. He fully understood the difficulties of the question and he raised no objection provided everyone was willing to accept the proposals, but he would like to clearly understand the situation. If Mr. Lloyd George's resolutions were accepted it would mean that all territories of Austria, Turkey, and the late German territories of Africa and in the Pacific, would be reserved to the League of Nations. He thought that was agreed. The League of Nations would administer these territories through Mandatories which would reserve to themselves the choice of the Mandatories, as well as the terms of the mandate, which would differ in each case until the League of Nations was constituted and able to give its decision. These countries would remain under a provisional *status quo* which was equivalent to saying that during the period between the decision reached on that day and the final decision to be given by the League of Nations, temporary Mandatories would be established, subject to future changes, if so desired by the League of Nations. Was that agreed or was the *status quo* to be maintained, namely, a military occupation in virtue of the Armistice, by troops (chiefly British), occupying the territories in the name of the Allied and Associated Powers in accordance

with the terms of the Armistice? In that case he had only one observation to make from the point of view of the particular interests of Italy. As he had already stated on previous occasions, Italy had only one simple and perfectly just desire, namely, that a proper proportion between the Allies should be maintained in respect of the occupation of those territories. Consequently, whether a temporary Mandatory were appointed or the *status quo* maintained, he would ask and he trusted this would not be considered excessive, that Italy obtain its share of mandates or territories to be militarily occupied.

M. Clemenceau enquired what subject should next be placed on the agenda now that Mr. Lloyd George's resolutions had been accepted. From what had been said it would appear that everything depended on a decision being reached regarding the constitution of the League of Nations, consequently, the meeting would be bound to wait until the League of Nations had been established, and it would be obviously useless to discuss the claims of the Roumanians, Yugo-Slavs and others. If he had correctly interpreted what had been said that morning he felt compelled to make serious formal reservations. In his opinion it would be impossible to establish a League of Nations which was not to be a common organism of defence, but an organism to deal with all the world. Furthermore, if this new constitution for the whole world was to be produced in eight days he was bound to feel some anxiety.

5. Baron Makino expressed his satisfaction that a provisional agreement had been reached on the question of Mandatories. As regards the League of Nations, he wished to state that as the matter was so important his Government was quite ready to associate itself with the work of this very important organization. Frankly there were difficulties, and his Government was not quite certain how it would work. But, seeing that it was a matter which was being very earnestly considered by the Great Powers it was quite ready to associate itself with this great work. Although so far his Government was not in possession of any official plan of the organization, he had had the privilege a few days ago of receiving President Wilson's exposition, and yesterday he had received the more concrete plans of Mr. Lloyd George. Yesterday he had telegraphed both documents to Tokio, and he had added that it was desirable that his Government should favorably consider the proposition suggested by Mr. Lloyd George. Naturally no reply could yet have been received; but since he had already asked for instructions his duty was to wait for the receipt of his Government's reply before giving his definite adherence. Meanwhile all he could do was to adhere to the resolutions *ad referendum*.

6. Mr. Hughes asked to be permitted to say one word on the matter as the question had now taken a new aspect since hearing President Wilson's statement. When the British Empire Delegates

had discussed the question yesterday, they had agreed to the proposals of Mr. Lloyd George as a compromise. But the basis of the proposals had now been disturbed by what President Wilson had said that morning. He thought President Wilson had set out the case for Australia better than he himself could do. President Wilson had said things which he (Mr. Hughes) had been afraid to say; they were things which agitated the minds of the Colonies. It was proposed really to govern the fate of people by declaring that a certain principle should apply, but to what extent that principle should apply, or by whom that principle should be applied, or when it should be applied, no one knew. For that reason President Wilson had pointed out that the acceptance of Mr. Lloyd George's resolutions would not settle anything until the League of Nations had been created and clothed with authority and with certain powers, duties and functions. Meanwhile he was faced with a great difficulty, for he would have to say to the people of Australia not what he thought, but what he was permitted to say. For Australia the War had been a question of life and death, and still remained so. Now he would have to tell the people of Australia how the whole matter was to be settled, and they would ask, How? His reply would be that the Mandatory principle was to apply, but he did not know how except that the arrangements would be such that the scheme would fit like a glove to the hand. Having lived all his life in Australia and knowing the Australian temperament, he thought it would be impossible to expect them to accept a principle the nature of which was not known. A definite decision could only be expressed when they knew what it all meant. In conclusion, he enquired whether they should wait the acceptance of the League of Nations by the Conference and by the world whilst they were waiting for a decision. Was not the *de facto* League of Nations already in existence in that room? He suggested that they as a League of Nations should act as the executive of the future League of Nations and settle the various problems which awaited settlement. This League should say who were to be the mandates outside the Polish question and impose their will on Germany. No League of Nations could be superior to the members of that Conference. Those that came after could only have one-tenth of the power. The world looked to them for decisions, and the world would breathe more freely if those decisions were made.

7. Sir Robert Borden expressed his pleasure at the fact that an agreement, if only provisional, had been reached. He was one of those who most earnestly desired the establishment of the League of Nations. He agreed that the future destinies of the world depended largely on it because there were forces in Russia which would manifest themselves unless some proposal of that kind could be accepted. The success of the League of Nations would not depend

upon the machinery that might be created, but on something behind it, namely, public opinion, which would give it the power; the same power which steam or electricity gave to the machinery of a factory. He would beg them to be careful not to impose too heavy a burden on it in the first instance. Born as an infant it might develop as a giant, but whilst an infant too much should not be imposed on it. He had carefully studied the organization of the British Empire, which was not unlike the proposed organization of the League of Nations, and he knew that the British Empire depended only on public opinion. Not one of the Dominions could have been forced to send a single man to the war; they joined in the war because of the cause involved, and because of public opinion. The League of Nations would have to depend on the same considerations. Therefore as far as possible, he hoped that the Conference would come to a conclusion on all proper matters with as little delay as possible. It would be for the representatives to decide forthwith whether they would themselves settle this question or whether they would constitute themselves into machinery to settle such questions at some future date. At any rate it was essential that the organization of the League of Nations should be determined without imposing too much on it at once. It was well known that no democratic country attempted to enforce every law to its fullest extent, as that would be impossible. Government by convention and good will founded on public opinion was the only government possible; and the working of the League of Nations would depend on similar foundations. Therefore he hoped the matter under consideration would be determined as speedily as might be possible because the world was looking to the proceedings of the Conference and might become tired in face of any delay.

President Wilson pointed out that M. Orlando had raised a very important question that would have to be discussed later on. He suggested that further discussion of the question should be postponed until the afternoon meeting.

(This was agreed to.)

The meeting then adjourned until 3.30 p. m. in the afternoon.

*Secretary's Notes of a Conversation Held at M. Pichon's Room  
at the Quai d'Orsay, Paris, on Thursday, January  
30, 1919, at 3:30 P. M.*<sup>1</sup>

## PRESENT

| AMERICA              |                                    |                 |
|----------------------|------------------------------------|-----------------|
| UNITED STATES OF     | BRITISH EMPIRE                     | FRANCE          |
| President Wilson     | The Rt. Hon. D. Lloyd George, M.P. | M. Clemenceau   |
| Mr. R. Lansing       | The Rt. Hon. A. J. Balfour, M.P.   | M. Pichon       |
| Mr. A. H. Frazier    | The Rt. Hon. Sir R. L. Borden      | M. Simon        |
| Mr. L. Harrison      | The Rt. Hon. W. M. Hughes          | M. Dutasta      |
| Col. R. H. Williams  | Gen. The Rt. Hon. L. Botha         | M. Berthelot    |
| Mr. G. L. Beer       | The Rt. Hon. W. F. Massey          | Captain Portier |
| Prof. E. T. Williams | Mr. C. J. B. Hurst                 |                 |
| Mr. D. H. Miller     | Lt. Col. Sir M. P. A. Hankey       |                 |
|                      | Major A. M. Caccia                 |                 |
|                      | Mr. H. Norman                      |                 |
|                      |                                    |                 |
| ITALY                | JAPAN                              |                 |
| M. Orlando           | Baron Makino                       |                 |
| Baron Sonnino        | Viscount Chinda                    |                 |
| M. Salvago-Raggi     | H.E. M. Matsui                     |                 |
| Count Aldrovandi     | M. Saburi                          |                 |
| Major Jones          | M. Kimura                          |                 |

Interpreter—Professor P. J. Mantoux

1. M. Clemenceau, having declared the meeting open, called on Mr. Massey to address the meeting.

## (REVISED NOTES)

Mr. Massey said that he found it necessary to say just a few words, because he had expected some fairly clear and definite statement from President Wilson with regard to the proposals contained in Clause 8 of the document which they had been discussing. In that expectation he had been disappointed, and he need hardly tell the members of the Council, or remind his

Mr. Massey said he found it necessary to say just a few words, because he had expected some fairly clear and definite statement from President Wilson with regard to the proposals contained in Clause 8 of the document they had been discussing. In that expectation he had been disappointed, and he need hardly tell the members of the Council, or remind his colleagues

<sup>1</sup> The notes of this meeting were subsequently transmitted in a "revised copy." In view of the differences in the two texts, both are printed, in parallel columns. The earlier text is the left column.

colleagues from the Dominions, that the matters referred to in Clause 8 were matters of the utmost importance to the people whom they represented there. They had repeatedly expressed to him that it was a matter of life and death to many of them. He would like to say that he had not gone back in the very slightest on the opinions that he had expressed on the first occasion when he addressed the Council. He knew the very serious, important and urgent matters that were waiting to be dealt with as soon as that Council and Conference could find it convenient to do so, and on that account he did not want to waste any more time than he could possibly help, or place any more difficulties in the way of a settlement. He was still prepared, as far as the Dominions were concerned, to accept the suggestions contained in Clause 8, which had been inserted there to meet the cases of Australia, South Africa and New Zealand. He would like to quote the last three lines of the Clause, which were intended to meet the cases of the Dominions, whose "Geographical contiguity to the mandatory State, and other circumstances, can be best administered under the laws of the mandatory State as integral portions thereof, subject to the safeguards above-mentioned in the interests of the indigenous population." The safeguards were as follows: The prohibition of abuses such as the slave trade, the arms traffic, the liquor traffic, and the pre-

from the Dominions, that the matters referred to in Clause 8 were of the utmost importance to the people whom they represented there. He would like to say that he had not gone back on the opinions he had expressed on the first occasion when he addressed the Council. He knew the very serious and urgent matters that were waiting to be dealt with as soon as the Council and Conference could find it convenient to do so, and on that account he did not want to waste any more time than he could possibly help, or place any difficulties in the way of a settlement. He was still prepared to accept the suggestions contained in Clause 8, which had been inserted there to meet the cases of Australia, South Africa and New Zealand. He would like to quote the last three lines of the Clause, which were intended to meet the cases of the Dominions, whose "Geographical contiguity to the mandatory state, and other circumstances can be best administered under the laws of the mandatory state as integral portions thereof, subject to the safeguards above mentioned in the interests of the indigenous population." The safeguards were as follows: The prohibition of abuses such as the slave trade, the arms traffic, the liquor traffic, and the prevention of the military training of the natives for other than police purposes. Those were the conditions, and he thought his colleagues were prepared to accept them, but they had not yet had any definite

vention of the military training of the natives for other than police purposes. Those were the conditions, and, so far as he was concerned—and he thought he could speak for his colleagues in these respects—they were prepared to accept them. They were prepared to accept them right away, but they had not yet had any definite opinion or statement from President Wilson that he was willing to accept them. If President Wilson would say he was willing to accept them, he thought it would clear the ground sufficiently to enable them to proceed, and in saying that he was not suggesting in the very slightest degree any delay so far as he was concerned. The sooner they came to a conclusion on these matters the better for all concerned. He believed, as he had already indicated, in the principle of direct annexation, because direct annexation would enable them to proceed very much more quickly with the development of the territories concerned. He believed it would be better for the European races, and also better for the native races. They would be able to proceed with the education of the native races, not only in secular matters, but also in the principles of Christianity, which he believed were necessary for the welfare of all nations.

There was just one other point to which he would like to make some reference. It had been said by some of the previous speakers that the Dominions entered into this war because

opinion or statement from President Wilson that he was willing to agree to them. If President Wilson would say that he was willing to agree to them, he thought it would clear the ground sufficiently to enable them to proceed, and in saying that he was not offering any obstructions. He believed in the principle of direct annexation, because direct annexation would enable them to proceed much more quickly with the development of the territories concerned. He believed it would be better for all concerned. They would also be able to proceed with the education of the native races, not only in secular matters, but also in the principles of Christianity, which he believed were necessary for the welfare of all nations.

There was another point to which he would like to refer. It had been said by some of the previous speakers that the Dominions entered into this war because they knew it was right

they knew it was right to do so—because it was a good cause. That was only one reason. They went into this war because the Empire, of which they were a part, was fighting for a great cause—fighting for its honour—for humanity—for civilisation, and in order to keep faith with its Allies, and fighting for the defence of the smaller nations. There was also another reason why the Dominions entered this war—because they had confidence in the leaders of the Empire and their judgment—in their discretion—and, in saying that, he hoped that if it ever became necessary for Great Britain again to go to war, the Dominions would be officially represented as never before in the Council of the Empire. He would like to say that he supported the proposal of a League of Nations. He hoped and believed it would be a good thing; he believed it would do much to prevent war in the future. Members of that Conference had a tremendous responsibility so far as the prevention of war in the future was concerned. He believed that if war was not to be renewed in the near future—he meant from 25 to 50 years hence, which was a very short period in the life of a nation—they had not only to see that justice was given on the one hand to those who had suffered in this war—and there were many—but to those who had broken the laws of civilisation during the last 4½ years. He believed that would do more to prevent war than

to do so, because it was a good cause. They went into this war because the Empire, of which they were a part, was fighting for a great cause—fighting for its honour—for humanity—for civilisation, in order to keep faith with its Allies, and to defend the smaller nations. There was also another reason why the Dominions entered this war—because they had confidence in the leaders of the Empire, in their judgment and in their discretion. In saying that, he hoped that if it ever became necessary for Great Britain again to go to war, the Dominions would be officially represented in the Council of the Empire. He supported the proposal of a League of Nations. He hoped it would do much to prevent war in the future. Members of that Conference had a tremendous responsibility so far as the prevention of war in the future was concerned. He believed that if war was not to be renewed in the near future—he meant up to 25 to 50 years hence, which was a very short period in the life of a nation—they had not only to see that justice was done to those who had suffered in this war—and there were many—but to those who had broken the laws both of God and man during the last 4½ years. He believed that would do more to prevent war than anything else. So far as he was concerned, he was responsible to his constituents, and he was prepared to shoulder that responsibility.

anything else. So far as he was concerned, he was responsible to his constituents, and he was prepared to shoulder that responsibility.

President Wilson asked if he was to understand that New Zealand and Australia had presented an ultimatum to the Conference. They had come there and presented their cases for annexation of New Guinea and Samoa. After discussion among themselves, they agreed to present to the Conference that proposal. Was he now to understand that that was the minimum of their concession? That their agreement upon a plan depended upon that concession? And that if they could not get that definitely now, they proposed to do what they could to stop the whole agreement?

Mr. Massey said "No"—but he thought he had made himself perfectly clear. Of course, he could not speak for his colleague from Australia.

Mr. Hughes said he did not know how he could put it better than he had done that morning. He would like to say that Clause 8 of that proposal . . .

President Wilson enquired if Mr. Hughes had heard his question.

Mr. Hughes replied in the negative.

President Wilson then said he wanted to know if they were to understand that Australia and New Zealand were presenting an ultimatum to that Conference,

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Mr. Massey said "No," but he thought he had made himself perfectly clear. Of course, he could not speak for his colleague from Australia.

2. Mr. Hughes said he did not know how he could put it better than he had done that morning. He would like to say that Clause 8 of that proposal . . .

President Wilson enquired if Mr. Hughes had heard his question.

Mr. Hughes asked, in order to dispel any doubt, that the question be repeated.

President Wilson then said he wanted to know if it was to be understood that Australia and New Zealand were presenting an ultimatum to that Conference.

and that finding the Conference probably disinclined to agree upon the annexation of New Guinea by Australia and Samoa by New Zealand, they had reluctantly agreed to the modification of Clause 8; and that was the minimum of what they would concede, and if that was not conceded definitely now, they could not take part in the agreement at all.

Mr. Hughes replied that President Wilson had put it fairly well, and that that was their attitude subject to the reservation which he had stated that morning. Like his colleagues from New Zealand and South Africa they were in favour of direct control. They found the Conference (as President Wilson had remarked) not in accord with their views. The Dominions had fallen in with the suggestion put forward by the Prime Minister of Great Britain. For the present that represented the maximum of their concession in that direction, but he would like to say that he had put the position, as he understood it, for his colleagues, and if they were prepared to go further he would offer no objection. He thought it would be agreed that because they were unable to put any definite concrete proposal before the Conference, at least they should be asked to be clothed with those plenary powers giving them discretion to accept whatever that Conference was able to accord to them. Speaking for himself, with great reluctance, he agreed

In other words, Australia and New Zealand, having found the Conference disinclined to agree upon the annexation of New Guinea by Australia and Samoa by New Zealand, had reluctantly agreed to accept Clause 8. Was he to understand that Australia and New Zealand would no longer take part in the discussion if the concession asked for were not granted.

Mr. Hughes replied that President Wilson had put it fairly well, and that that was their attitude subject to the reservation which he had stated that morning. Like his colleagues from New Zealand and South Africa they were in favour of direct control. They found the Conference (as President Wilson had remarked) not in accord with their views. The Dominions had fallen in with the suggestion put forward by the Prime Minister of Great Britain, but subject to the approval of their Governments. For the present that represented the maximum of their concession in that direction, but he would like to say that he had put the position, as he understood it, for his colleagues, and if they were prepared to go further he would offer no objection. He thought it would be agreed that as they were unable to put any concrete proposal before their colleagues overseas, but simply say that the mandatory principle had been accepted, without knowing who was to be the mandatory nor what was to be the scope of the mandate, at least they should

to the proposal in Clause 8. Beyond that he felt that he ought not to go.

General Botha asked that he might be allowed to address a few words to the Conference. As everybody knew he was not a British subject of very long-standing and therefore his English was not so good as it might be. He would like to say that he heartily supported President Wilson with regard to what was in the papers that morning. When he saw the paper he had thrown it away. What had appeared in those papers was being sent by cable all over the world. It would upset the people of South Africa, as they did not understand the position. That afternoon he hoped to have a peaceful lunch, but in the middle of it he received a cable to return at once. They were there as gentlemen and they must keep those things out of the newspapers or it would be impossible for other people to remain there. He was of opinion that such an article ought to be investigated to see whence it came, and have a stop put to it. It would create a great deal of mischief.

He would like to tell Presi-

have from their colleagues those plenary powers giving them discretion to accept whatever the Conference agreed to. Speaking for himself and on the assumption that the provisions therein were to be applied to Australia and the islands to which Australia laid claim, he agreed to the proposal in Clause 8 with great reluctance. Beyond that he felt that he ought not to go.

3. General Botha asked that he might be allowed to address a few words to the Conference. As everybody knew he was not a British subject of very long-standing and, therefore, his English was not so good as it might be. He would like to say that he heartily supported President Wilson with regard to what was in the papers that morning. What had appeared in those papers was being sent by cable all over the world. It would upset the people of South Africa, as they did not understand the position. That afternoon he had received a cable to return to South Africa at once. They were there as gentlemen and they must keep those things out of the newspapers to proceed with the business. He was of opinion that an investigation should be held to discover the sources of such articles and steps taken to stop them. Such articles would create a great deal of mischief.

He would like to tell Presi-

dent Wilson that he had understood that in the speeches which had been delivered that morning there was no threat. He observed that the Prime Minister of Great Britain had met the Dominion representatives and had discussed the question with them and he (General Botha) could assure President Wilson that it was only after very serious discussion, worry and trouble, and through the influence of Mr. Lloyd George, that the resolution had been handed in that morning. He was one of those who would give up everything to reach the highest ideal. Therefore he supported Mr. Lloyd George, but he sincerely trusted that President Wilson would also agree. Do not let them stop at small things. If they could gain that bigger and higher ideal, then smaller versions of it ought not to stand in the way. He remembered that after the war in his own country, which was on a smaller scale than the present, but which was just as bloody and miserable, they got self-government; but he saw at once that four different self-governing bodies in that country must lead to war. He was one of the original promoters of the Union of South Africa. He had his ideals and they were very high indeed. When he assembled all the leading statesmen he found then that the other people held views from which it would be impossible to persuade them. He had then personally investigated these and had come to the conclusion that these were

dent Wilson that he had understood from the speeches delivered that morning that no threats were made. The Prime Minister of Great Britain had met the Dominion representatives and had discussed the question with them and he (General Botha) could assure President Wilson that it was only after very serious discussion, worry and trouble, and through the influence of Mr. Lloyd George, that the resolution had been handed in that morning. He was one of those who would give up everything to reach the highest ideal. Therefore, he supported Mr. Lloyd George; but he sincerely trusted that President Wilson would also agree. They must not stop at small things. If they could gain the higher ideal, then smaller versions of it ought not to stand in the way. He remembered that after the war in his own country, which although on a smaller scale than the present, had been just as bloody and miserable, self-government had been obtained, but he saw at once that the existence of four different self-governing bodies in that country would inevitably lead to war. He was one of the original promoters of the Union of South Africa. He had his ideals and they were very high ideals. When he assembled all the leading statesmen in South Africa he found that other people held views from which it would be impossible for them to depart. He had then personally investigated those views and had come to the conclusion that they

smaller things. On that occasion he asked his colleagues to stick to one thing, to aspire to the higher ideal, and that was the Union of South Africa. They must give way on the smaller things. He would like to say the same on this occasion. They must give way now and get their higher ideal, get a better understanding and bring the people together, and through that they would gain eventually all the things that they wanted to get. It was a small thing on which he had given way after the war in his own country, but unless they had done so they would have been in a very miserable condition to-day.

He appreciated the ideals of President Wilson. They were the ideals of the people of the world, and they would succeed if they all accepted them in the same spirit and supported them in the manner in which they were intended. If they departed in an indifferent spirit it would not have the success that they would all wish it should have. Therefore, to his own mind, if they differed it was not a threat because at the back of everybody's heart there was only one idea,—that of attaining a better world understanding. Mankind looked upon them for support to do away with all future wars. He felt that by conceding smaller things they made the higher ideal more acceptable, and it would have the hearty support of the whole world. They must remember that their various peoples did not understand every-

were trifling. On that occasion he had asked his colleagues to stick to one thing, to aspire to the higher ideal, namely, the Union of South Africa. They must give way on the smaller things. He would like to say the same on this occasion. They must give way now and promote a better understanding. They must bring the people to one common understanding and by so doing they would ultimately achieve their ends. It was a small matter on which he had given way after the war in his own country, but unless he had done so they would have been in a very deplorable condition to-day.

He appreciated the ideals of President Wilson. They were the ideals of the people of the world, and they would succeed if they all accepted them in the same spirit and supported them in the manner in which they were intended. If they departed in an indifferent spirit their success would only be partial. Therefore, their small differences could not be regarded as threats because at the back of everybody's mind there was only one idea—that of attaining a better world understanding. Mankind looked upon them for support to do away with all future wars. He felt that by conceding smaller things they made the higher ideal more attainable, and it would have the hearty support of the whole world. They must remember that their various peoples did not regard everything from the same standpoint. Per-

thing from the same point. In that light therefore they must guide them to the bigger ideal. Personally he felt very strongly about the question of German Southwest Africa. He thought that it differed entirely from any question that they had to decide in this Conference, but he would be prepared to say that he was a supporter of the document handed in that morning, because he knew that, if the idea fructified, the League of Nations would consist mostly of the same people who were present there that day, who understood the position and who would not make it impossible for any mandatory to govern the country. That was why he said he would accept it. He hoped that the second document there was entirely unnecessary because the first document that was handed in that morning, was an entirely provisional one. They could not accept anything by resolution now on hard and fast lines; everything depended on the ultimate resolution. That was how he understood the matter, and he hoped that they would try in a spirit of co-operation, and by giving way on smaller things, to meet the difficulties and make the bigger ideal more possible.

Mr. Massey said that the representatives of Australia and New Zealand had been asked a direct question by President Wilson. Mr. Hughes had answered for Australia and he (Mr. Massey) would answer for New Zealand. The position of Mr. Hughes and himself was

sonally, he felt very strongly about the question of German Southwest Africa. He thought that it differed entirely from any question they had to decide in that Conference; but he would be prepared to say that he was a supporter of the document handed in that morning, because he knew that, if the idea fructified, the League of Nations would consist mostly of the same people who were present there that day, who understood the position and who would not make it impossible for any mandatory to govern the country. That was why he said he would accept the mandatory system. He hoped it would be realised that the document handed in that morning was an entirely provisional one. They could not accept anything by resolution now on hard and fast lines; everything depended on the ultimate resolution. That was how he understood the matter, and he hoped that they would try in a spirit of co-operation, and by giving way on smaller things, to meet the difficulties and make the higher ideal more possible.

4. Mr. Massey said that the representatives of Australia and New Zealand had been asked a direct question by President Wilson. Mr. Hughes had answered for Australia and he (Mr. Massey) would answer for New Zealand. The position of Mr. Hughes and himself was prac-

practically on all fours up to a certain point. It was on all fours so far as the desire of their people was concerned for what they considered direct control—"annexation" to put it bluntly; but perhaps it was not on all fours after that, because Mr. Hughes had been communicated with by the acting Prime Minister in Australia. He (Mr. Massey) had not been communicated with by his Government and he had not communicated with it. Therefore, he was prepared to take the responsibility of supporting the proposals contained in Clause 8. He wanted to emphasise that again. He wanted to assure President Wilson that if he (President Wilson) imagined that any threat was intended he had quite misunderstood the matter so far as both he and Mr. Hughes were concerned. As a public man he never used threats and he did not accept threats from any one if he could possibly meet them. However, he had made that point perfectly clear and he might go as far as the proposals of Clause 8 without consulting his own Government. He was prepared to go so far because he could not get what his Government wanted and in that case he was prepared to accept the next best proposal. If he found it necessary he would communicate with his Government and explain the position; but he was prepared to accept and support the provisional proposal put forward by Mr. Lloyd George.

Mr. Lloyd George said that

tically on all fours up to a certain point. It was identical so far as the desire of their people was concerned for what they considered direct control—"annexation" to put it bluntly; but after that perhaps it was not the same, because Mr. Hughes had been communicated with on the subject by the acting Prime Minister in Australia. He (Mr. Massey) had received no communication from his Government nor had he communicated with it. Therefore he was prepared to take the responsibility of supporting the proposals contained in Clause 8. He wanted to emphasize that again. He wanted to assure President Wilson that if he (President Wilson) imagined that any threat was intended, he had quite misunderstood the matter so far as both he and Mr. Hughes were concerned. As a public man he never used threats and he did not accept threats from any one if he could possibly meet them. However, he had made that point perfectly clear and he might go as far as the proposals of Clause 8 without consulting his own Government. He was prepared to do this because he could not get what his Government wanted and was ready therefore to accept the next best proposal. If he found it necessary he would communicate with his Government and explain the position; but he was prepared to accept and support the provisional proposal put forward by Mr. Lloyd George.

Mr. Lloyd George said that he

he would like to suggest, after everybody had made his position quite clear and when nobody was under any illusions as to Mr. Hughes' position, or General Botha's position, or Mr. Massey's or anybody else's, that they take that as a provisional decision subject to revision when either they found the League of Nations unsatisfactory, or that there was some other reason for revising it.

Sir R. Borden proposed some slight alteration in one of the clauses in order to prevent misunderstanding. Was the proposal in Clause 7 to encourage the establishment of military or naval fortifications?

President Wilson said it was intended to prevent them.

Sir Robert Borden observed that at present it might mean otherwise. Therefore, he would read the clause as he proposed it should read, subject to the opinion of the conference, as follows:

"They further consider that other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory subject to conditions which will guarantee the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of the military training of the

would like to suggest, after everybody had made his position quite clear and when nobody was under any illusions as to Mr. Hughes' position, or General Botha's position, or Mr. Massey's, or anybody else's, that the Conference should accept his resolution as a provisional decision, subject to revision hereafter.

5. Sir R. Borden proposed some slight alteration in one of the clauses in order to prevent misunderstanding. Was the proposal in Clause 7 to encourage the establishment of military or naval fortifications?

President Wilson said it was intended to prevent the necessity for their establishment.

Sir Robert Borden observed that at present it might mean otherwise. Therefore, he would read the clause as he proposed it should read, subject to the opinion of the Conference, as follows:

"They further consider that other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory subject to conditions which will guarantee the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of the military training of the natives

natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other members of the League of Nations."

President Wilson said that made it clearer.

(This was agreed to.)

M. Pichon said that France could not renounce the right of raising volunteers in the countries under her administration, whatever they might be. The Germans had recognized the importance of the support France had received from her Colonies. Before powerful American troops came to her aid, they had resisted with their own forces for a long time, together with the British Armies, and it was certain, but for the help they had received from their Colonial possessions, the situation would have been very critical. It was necessary for them to be able to recruit not conscripts but volunteers from all Colonial territories under French control. This was absolutely necessary for the future security of the French territory.

President Wilson enquired if this referred to the territories controlled as mandatory states as well as the present.

M. Clemenceau said that the French were the nearest neighbours of Germany, and could be at all times, and had been in

for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other members of the League of Nations."

President Wilson said that made it clearer.

(It was agreed to accept the above amendment proposed by Sir R. Borden to Clause 7 of Mr. Lloyd George's resolution.)

6. M. Pichon said that France could not renounce the right of raising volunteers in the countries under her administration, whatever they might be. The Germans had recognised the importance of the support France had received from her Colonies. Before powerful American troops came to aid, France had resisted with her own forces for a long time, together with the British Armies, and it was certain, but for the help she had received from her Colonial possessions, the situation would have been very critical. It was necessary that France should be empowered to recruit not conscripts, but volunteers from all Colonial territories under her control. That was absolutely necessary for her future security.

President Wilson enquired if this referred to the territories controlled as mandatory States as well as to the present Colonies.

M. Clemenceau said that the French were the nearest neighbours of Germany, and could be at all times, as they had been in

the past, suddenly attacked. He did not know whether it was possible to disarm Germany, but they would try. They knew Great Britain had responsibilities in all parts of the world, and could not have the whole of her strength concentrated at one point at a moment's time. America was far away, and could not come at once to the assistance of France. If the League of Nations and the peace of the world were to be established, it must not begin by putting France in a position of peril which would be much more dangerous for them than for any other Power. America was protected by the whole breadth of the ocean, and Great Britain by her fleet. If the French could not find any territories for which they would have to take responsibility, and on which they would have to spend money in improving;—if they could not raise volunteers without compulsion—then they felt that the people of France would resent this very much, and would have a grievance against the Government.

Mr. Lloyd George said he was thinking of what the position was in the French and British Colonies at the beginning of this war. Great Britain had native forces in Uganda and Nigeria and other places, and the French also had forces in Senegal and other territories.

Algeria and Morocco were in a different position. He was thinking of the tropical Colonies. The only forces Great Britain had there were forces

the past, suddenly attacked. He did not know whether it was possible to disarm Germany, but an attempt would be made to do so. France realised that Great Britain had responsibilities in all parts of the world, and could not keep the whole of her strength concentrated at one point. America was far away, and could not come at once to the assistance of France. If the League of Nations and the peace of the world were to be established, it must not begin by placing France in a perilous position. America was protected by the whole breadth of the ocean, and Great Britain by her fleet. If France was not to be permitted to raise volunteers in the territories under her administration the people of France would greatly resent any such arrangement and would have a grievance against the Government.

Mr. Lloyd George pointed out that as regards tropical Colonies, at the beginning of this war, Great Britain had native forces in Uganda and Nigeria and other places, and the French also had forces in Senegal and other territories, but these forces were intended solely for the defence of those territories. They had never raised armed and equipped great forces for carrying on big offensive operations outside those territories.

for the defence of those territories. That was equally true of France. France had not raised and armed and equipped great forces for any offensive purposes outside.

M. Clemenceau observed that they were free to do it.

Mr. Lloyd George said that there was nothing in the clause under review to prevent that. The words used there were "for other than police purposes and the defence of territory." He really thought that those words would cover the case of France. There was nothing in the document which would prevent their doing exactly the same thing as they had done before. What it did prevent was the kind of thing the Germans were likely to do, namely, organise great black armies in Africa, which they could use for the purpose of clearing everybody else out of that country. That was their proclaimed policy, and if that was encouraged amongst the other nations even though they might not have wars in Europe, they would have the sort of thing that happened in the 17th and 18th century in India when France and Great Britain were at war in India, whilst being fairly good friends in Europe. Then they were always raising great native armies against each other. That must now be stopped. There was nothing in this document which prevented France doing what she did before. The defence of the territory was provided for.

M. Clemenceau observed that nevertheless the right to raise forces did exist.

Mr. Lloyd George said that there was nothing in the clause under review to prevent volunteer forces being raised. The words used were "for other than police purposes and the defence of territory." He really thought that these words would cover the case of France. There was nothing in the document which would prevent her doing exactly the same thing as she had done before. What it did prevent was the kind of thing the Germans were likely to do, namely, to organise great black armies in Africa, to be used for the purpose of clearing everybody else out of that country. That was the avowed policy of Germany, and if the same policy was to be encouraged amongst other nations, even though war in Europe might be averted, the same sort of thing might in Africa occur as had happened in the 17th and 18th centuries in India when France and Great Britain were at war there, whilst being fairly good friends in Europe. Great native armies were constantly being raised to fight against each other in India. There was nothing in this document that would prevent France raising an army for the defence of her territories.

M. Clemenceau said that if he could raise troops, that was all he wanted.

Mr. Lloyd George replied that he had exactly the same power as previously. It only prevented any country drilling the natives and raising great armies.

M. Clemenceau said that he did not want to do that. All that he wished was that the matter should be made quite plain, and he did not want anybody to come and tell him afterwards that he had broken away from the agreement. If this clause meant that he had a right of raising troops in case of general war, he was satisfied.

Mr. Lloyd George said that so long as M. Clemenceau did not train big nigger armies for the purposes of aggression, that was all the clause was intended to guard against.

M. Clemenceau said that he did not want to do that. He therefore understood that Mr. Lloyd George's interpretation was adopted.

President Wilson said that Mr. Lloyd George's interpretation was consistent with the phraseology.

M. Clemenceau said that he was quite satisfied.

M. Clemenceau said that if France had the right in the event of a great war to raise troops in African territories under her control, he would ask for nothing more.

Mr. Lloyd George replied that France would have exactly the same rights she had previously enjoyed. The resolution proposed by him was only intended to prevent a mandatory from drilling all the natives and from raising great armies.

M. Clemenceau said that he did not want to do that. All that he wished was that the matter should be made quite clear and he did not want anybody to come and tell him afterwards that he had broken away from the agreement. If this clause meant that France had the right to raise troops in the African territories under her control in case of a general war, he was satisfied.

Mr. Lloyd George said that so long as M. Clemenceau did not train big nigger armies for the purposes of aggression, that was all the clause was intended to guard against.

M. Clemenceau said that he did not want to do that. He therefore understood that Mr. Lloyd George's interpretation was adopted.

President Wilson said that Mr. Lloyd George's interpretation was consistent with the phraseology.

M. Clemenceau said that he was quite satisfied.

(It was agreed that the acceptance of the Resolutions pro-

Mr. Lloyd George said that he would like to move an amendment to his own document. He said that he was sorry that he had left out one country in Turkey which ought to have been inserted. He did not realise that it was separate. He thought Mesopotamia or Armenia would cover it, but he was now informed that it did not. He referred to Kurdistan, which was between Mesopotamia and Armenia. Therefore, if there was no objection, he proposed to insert the words "and Kurdistan."

(This was agreed to.)

M. Orlando said that the question he put was: With regard to the situation concerning the German Colonies, was it to be considered as the continuation of occupation *de facto*, or was it to be, after they had passed that resolution, a system of provisional mandates—German or Turkish? After having heard the discussion, M. Orlando said that he had come to the conclusion that the solution was to give provisional mandates. If that were so, he asked whether those mandates would be distributed by a further resolution of the Conference.

Mr. Lloyd George replied that the resolution did not deal with the distribution of man-

posed by Mr. Lloyd George would not prevent mandatories from raising volunteers in the territories under their control for the defence of their countries in the event of their being compelled to attack.)

7. Mr. Lloyd George said that he would like to move an amendment to his own document. He said that he was sorry that he had left out one country in Turkey which ought to have been inserted. He did not realise that it was separate. He thought Mesopotamia or Armenia would cover it, but he was now informed that it did not. He referred to Kurdistan, which was between Mesopotamia and Armenia. Therefore, if there was no objection, he proposed to insert the words "and Kurdistan."

(This was agreed to.)

8. M. Orlando asked, with regard to the situation concerning the German Colonies, whether it was to be considered as the continuation of occupation *de facto*, or was it to be after they had passed that resolution, a system of provisional mandate—German or Turkish? After hearing the discussion, he had come to the conclusion that the solution was to give provisional mandates. If that were so, he asked whether those mandates would be distributed by a further resolution of the Conference.

Mr. Lloyd George replied that the resolution did not deal with the distribution of man-

dates at all, but only laid down the general principles.

M. Clemenceau said that was accepted. The question put by M. Orlando was then discussed.

President Wilson said that he had a suggestion to offer. The maintenance of the *status quo* involved the difficulties which the Prime Minister of Great Britain had pointed out about the maintenance of large forces of troops. It ought to be possible by agreement among the Allies. He said that, because the United States could not participate at present, as they had not declared war against Turkey. By agreement with the Allies, the military control of those several parts of the Turkish Empire could be arranged as they pleased by substitution. Would not that be better than going through the difficult form of provisional mandate?

M. Clemenceau thought that they were to discuss M. Orlando's proposal. His proposal was that as France, England and her Dominions had had their share, Italy wanted to have her own share. That was what he understood.

Mr. Lloyd George thought the problem put by M. Orlando was one that they would have to face. M. Orlando said, either they could leave things as they were—leave the mandatories to be settled by the League of Nations and the occupation go on exactly as at the present mo-

dates at all but only laid down the general principles.

President Wilson said that he had a suggestion to offer. The maintenance of the *status quo* involved the maintenance of large forces of troops, but it should be possible by agreement among the Allies to arrive at some arrangement. Unfortunately the United States could not participate at present in the occupation of Turkish territories, as she had not declared war against Turkey. By agreement with the Allies, the military control of those several parts of the Turkish Empire could be arranged as they pleased by substitution. Would not that be better than going through the difficult form of provisional mandates?

M. Clemenceau thought that M. Orlando's proposal should be discussed. M. Orlando's proposal was that as France, England and her Dominions had had their share of territories of occupation, Italy should also have her own share.

Mr. Lloyd George thought the problem put by M. Orlando was one that would have to be faced. M. Orlando had said the appointment of mandatories could be left to the League of Nations, the occupation meanwhile continuing as at present; or provisional mandate could be

ment—or they could have a provisional mandate, leaving the definite final thing to be settled by the League of Nations; or they could now say they were the League of Nations and settle the business finally. Those were the three points and he would say quite frankly that he would rather face them at once, as he could not see that there would be any greater light thrown on the subject when the League of Nations came to deal with it or that there would even be a different tribunal—they would be exactly the same people; as a matter of fact, there would be this difference, perhaps—they might not then be able to have the advantage of the presence of the President of the United States at the League of Nations.

Mr. Lloyd George said that they could not accept the *status quo*. He wanted to put the British position again. The German Colonies did not matter very much, although the maintenance of troops in German East Africa was a very considerable burden. He could not say exactly how many troops they had in that theatre, but he knew it was a very considerable number. Coming to the Turkish Empire, he had handed some figures to the President of the United States and to M. Clemenceau, and he had also told M. Orlando that they had 1,084,000 men there. It was true that only between 250,000 and 300,000 were British troops, but they had to maintain the lot, and

given, leaving the definite final appointment of mandatories to the League of Nations; or the Conference could now say they were the League of Nations and finally settle the business. Those were the three alternatives and he thought the last proposal should be accepted. He could not see that there would be any greater light thrown on the subject when the League of Nations came to be created, or that there would even be a different tribunal as exactly the same people would form part of that tribunal. As a matter of fact, there would be this difference, perhaps, that the Conference might not then have the advantage of the presence of the President of the United States.

He (Mr. Lloyd George) could not accept the *status quo*. He wanted to put the British position again. The German Colonies did not matter very much, although the maintenance of troops in German East Africa constituted a very considerable burden. He could not say exactly how many British troops were in that theatre, but he knew it was a very considerable number. Coming to the Turkish Empire, he had handed some figures to the President of the United States and to M. Clemenceau, and he had also told M. Orlando that there were 1,084,000 men there. It was true that only between 250,000 and 300,00 were British troops, but Britain had to maintain the

it was an enormous expense. The difficulty was to keep all these various tribes in some sort of peace with each other. If they kept them there until they had made peace with Turkey, and until the League of Nations had been constituted and had started business, and until it was able to dispose of this question, the expense would be something enormous, and they really could not face it, especially as they had not the slightest intention of being mandatories of a considerable number of territories they now occupied, such as Syria and parts of Armenia. He thought the same thing applied to Kurdistan and the Caucasus, although they had rich oil-wells. He did not think that they had the slightest intention of being mandatories even for the oil-wells of Baku, but somebody had to be there to protect the Armenians and to keep the tribes and sects in Lebanon from cutting each other's throats and attacking the French or Turks, or whoever else might be there. Therefore, he was afraid that they must insist (he was not using that word in a military sense but from the point of view of those who had to pay taxes in the United Kingdom, and to propose it to Parliament). He was afraid, however, that Parliament would want to know: Why should they keep 1,084,000 men there? Did they really mean to occupy the country? Why should they do so when they had no intention of having a permanent garrison there?

lot, and it was enormous expense. The difficulty was to keep all these various tribes in some sort of peace with each other. But, if Great Britain were compelled to keep these troops on the spot until peace with Turkey were declared, and until the League of Nations had been constituted and had started business, and until it was able to dispose of this question, the expense would be something enormous. Great Britain really could not face it, especially as she had not the slightest intention of being the mandatory in many of the territories she now occupied, such as Syria and parts of Armenia. He thought the same thing applied to Kurdistan and the Caucasus, where there were rich oil-wells. He did not think that Great Britain had the slightest intention of being the mandatory even in the case of the oil-wells of Baku, but somebody had to be there to protect the Armenians and to keep the tribes and sects in Lebanon from cutting each other's throats and attacking the French or Turks, or whoever else might be there. Therefore, he was afraid he must insist (he was not using that word in a military sense but from the point of view of those who had to pay taxes in the United Kingdom). He was afraid, however, that Parliament would want to know why 1,084,000 men should be kept there by Great Britain if she did not mean to occupy the country. This was a question of particular interest to Great Britain.

This question specially affected them, and unless the Conference was prepared to relieve them of that responsibility, he would really have to press very hard for a definite appointment of the mandatories, which he should have thought was the most satisfactory way of dealing with it. Then they could clear out, and leave the mandatory to undertake the job.

As to the remark made by President Wilson in regard to Turkey, Mr. Lloyd George said that he did not think that was a conclusive reason. Matters could easily be arranged with Turkey. It would not be regarded as a hostile act by the Turk. He knew he was not going to Armenia and Syria, and he also knew that that was going to be taken away from him, and the Turk would not object to the United States going there instead of the British; in fact, he might object much less, for the reason that the United States had not been fighting him for the last four or five years, whereas the British had.

President Wilson stated what seemed to him to stand in the way of a permanent designation. Many of these mandates would constitute a burden—by no means a privilege—and a very serious burden, but while he should not be disinclined to see the United States get any advantage out of this war, he should be equally disinclined to see her shirk any burden or duty. But he could think of nothing the people of

and unless the Conference was prepared to relieve her of that responsibility, he would really have to press very hard for the definite appointment of mandatories, which he should have thought would be the most satisfactory way of dealing with the question. As soon as the mandatory had been appointed, the British troops could be withdrawn, and leave the mandatory to undertake the necessary work.

As to the remark made by President Wilson that the United States had never declared war on Turkey, he did not think that was a conclusive reason. Matters could easily be arranged with Turkey. It would not be regarded as a hostile act by the Turk; and he felt sure the Turk would not object to the United States going there to relieve the British. In fact, the Turk might prefer such an arrangement for the reason that the United States had not been fighting the Turks during the last four or five years, whereas the British had.

President Wilson stated what seemed to him to stand in the way of a permanent assignment. Many of these mandates would constitute a burden—by no means a privilege—and a very serious burden; but while he should not be disinclined to see the United States get any advantage out of this war, he should be equally disinclined to see her shirk any burden or duty. But he could think of

the United States would be less inclined to accept than military responsibility in Asia. If the United States of America, therefore, was to be asked to share a burden of mandates, the request would have to be postponed until he could explain the whole matter to them, and try to bring them to the point of view which he desired them to assume. That, if the United States was to be included in the request, would lead to permanent assignments. He would therefore like to make a suggestion. The question in the meantime was chiefly a military question, and he wished to suggest that the military advisers of the Supreme War Council should have this question of the military occupation and control of these various regions referred to them for recommendation to that Council as to the distribution of the burden, so that they should have something definite for the military authorities to consider.

(There was no objection to this.)

Mr. Lloyd George said that this would clarify the question. The Secretary of State for War would be there the following day, so that he, Mr. Lloyd George, would be quite prepared to have it examined, say, on Saturday.

President Wilson said that his advisers were already there.

M. Clemenceau said everything depended on the situation in Russia. The French had troops in the East, the British

nothing the people of the United States would be less inclined to accept than military responsibility in Asia. If the United States of America, therefore, were to be asked to share a burden of mandates, the request would have to be postponed until he could explain the whole matter to the American people, and try to bring them to the point of view which he desired them to assume. He would, therefore, like to make a suggestion. The question in the meantime was chiefly a military one, and he wished to suggest that the military advisers of the Supreme War Council should have this question of the military occupation and control of these various regions referred to them for consideration with the view to their submitting definite recommendations as to the distribution of the burden. The military authorities would in this way have something definite to consider.

Mr. Lloyd George said that this would clarify the question. The British Secretary of State for War would be in Paris on the following day, so that he (Mr. Lloyd George) would be quite prepared to have the question examined, say, on Saturday.

President Wilson said that his advisers were in Paris.

M. Clemenceau said everything depended on the situation in Russia. The French had troops in the East, the British

had troops in the Caucasus, the French had troops in Odessa, as also had the British and the Italians. As long as they did not know exactly what they would do with Russia, he doubted if they could do anything at all. It was very difficult to recall troops.

President Wilson observed that it was a question of redistribution and substitution.

Mr. Lloyd George said that supposing the British agreed to withdraw from Syria altogether, he would like to know the attitude of the military authorities. This was a point put to him by Mr. Balfour.

President Wilson said "Or from Mesopotamia." He also said that they had troops in Persia.

Mr. Lloyd George added "Or Kurdistan."

Mr. Lloyd George, in answer to M. Clemenceau, said that he was prepared, so far as the British delegates were concerned, to examine the matter on Saturday with his military experts and that they would have them there.

President Wilson enquired whether it would not be better for some one to formulate the question in writing for the military men to discuss, and present a memorandum to that meeting. If they brought their military experts there it would probably lead to a long discussion.

Mr. Lloyd George then read

had troops in the Caucasus, the French had troops in Odessa, as also had the British and the Italians. As long as it was not exactly known what they would do with Russia, he doubted if anything at all could be settled. It was very difficult to recall troops.

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President Wilson said "Or from Mesopotamia."

Mr. Lloyd George added "Or Kurdistan." He also said that they had troops in Persia.

Mr. Lloyd George, continuing, in answer to M. Clemenceau, said that he was prepared, so far as the British delegates were concerned, to examine the matter on Saturday with his military experts who would be present.

President Wilson enquired whether it would not be better for some one to formulate the question in writing for the military men to discuss, and present a memorandum. If they brought their military experts there it would probably lead to a long discussion.

On the proposal of Mr. Lloyd

the draft terms of reference to the Supreme War Council on the Turkish question:

"The Military Representatives of the Allied and Associated Powers at Versailles are directed to meet at once and to present a report as to the most equitable and economical distribution among these Powers of the burden of supplying military forces for the purpose of maintaining order in the Turkish Empire,<sup>1</sup> pending the decisions of the Peace Conference concerning the Government of Turkish territory."

Mr. Hughes said there was one small point to which he would like to call the attention of the President. He did not like the wording "principle afforded by the necessity of disposing of those Colonies and territories." He did not think that that was the best way of expressing it. It seemed to be opposed to the principle. Therefore, he suggested that it should be made to read "apply to" or "dealing with." It was a small thing, but it seemed to be against the general spirit of the clause, which did not mean the disposing of people at all. Perhaps, therefore, this alteration might be made.

President Wilson said that the meaning would be the same.

George, the following resolution was approved:

"The Military Representatives of the Allied and Associated Powers at Versailles are directed to meet at once and to present a report as to the most equitable and economical distribution among these Powers of the burden of supplying military forces for the purpose of maintaining order in the Turkish Empire and Transcaucasia pending the decisions of the Peace Conference concerning the Government of Turkish territory."

9. Mr. Hughes said there was one small point to which he would like to call the attention of the President. He did not like the wording "principle afforded by the necessity of disposing of those Colonies and territories." He suggested that it should be made to read "apply to" or "dealing with those Colonies and territories." It was a small matter, but "to dispose of Colonies" seemed to be against the general spirit of the clause.

10. (Mr. Hughes' proposed amendment was withdrawn and

<sup>1</sup> The following is dated 1st February, 1919:

CORRECTION.—After "Turkish Empire" insert "Trans-Caucasia." NOTE: This addition has been agreed to between President Wilson, Mr. Lloyd George, M. Clemenceau and M. Orlando.

it was agreed to accept the Resolution in reference to Mandatories proposed by Mr. Lloyd George, as amended.

(Remaining minutes omitted.)

**Minutes (English) of the Commission on the  
League of Nations.**

**PRELIMINARY PEACE CONFERENCE.**

**COMMISSION ON THE LEAGUE OF NATIONS.**

THE Preliminary Peace Conference at the plenary session of the 25th January, 1919 (Protocol No. 2), decided to nominate, for the study of the constitution of the League of Nations, a Commission to be composed of fifteen members, *i.e.*, two members representing each of the Great Powers (United States of America, British Empire, France, Italy, and Japan), and five members elected to represent all the Powers with special interests.

At a meeting of these latter Powers, held on the 27th January, 1919, Belgium, Brazil, China, Portugal, and Serbia were chosen to designate one representative each (see Annex 6 of Protocol No. 2).

Representatives of each of the States concerned were appointed, and the Commission was accordingly composed as follows:—

**FOR THE UNITED STATES OF AMERICA:**

The President of the United States of America.  
Honorable Edward M. House.

**FOR THE BRITISH EMPIRE:**

The Rt. Hon. the Lord Robert Cecil, K.C., M.P.  
Lieutenant-General the Rt. Hon. J. C. Smuts, K.C., Minister  
of Defence of the Union of South Africa.

**FOR FRANCE:**

Mr. Léon Bourgeois, former President of the Council of  
Ministers and Minister for Foreign Affairs.  
Mr. Larnaude, Dean of the Faculty of Law of Paris.

**FOR ITALY:**

Mr. Orlando, President of the Council.  
Mr. Scialoja, Senator.

**FOR JAPAN:**

Baron Makino, former Minister for Foreign Affairs, Member  
of the Diplomatic Council.  
Viscount Chinda, Ambassador Extraordinary and Plenipoten-  
tiary of H.I.M. the Emperor of Japan at London.

**FOR BELGIUM:**

Mr. Hymans, Minister for Foreign Affairs and Minister of  
State.

**FOR BRAZIL:**

Mr. Epitacio Pessoa, Senator, former Minister of Justice.

## FOR CHINA:

Mr. V. K. Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary of China at Washington.

## FOR PORTUGAL:

Mr. Jayme Batalha Reis, Envoy Extraordinary and Minister Plenipotentiary of Portugal at Petrograd.

## FOR SERBIA:

Mr. Vesnitch, Envoy Extraordinary and Minister Plenipotentiary of H.M. the King of Serbia at Paris.

The following are the terms of reference of the Commission as stated in the Resolution adopted at the above-mentioned Plenary Session of the Conference:—

The Conference, having considered the proposals for the creation of a League of Nations, resolved that—

1. It is essential to the maintenance of the world settlement, which the Associated Nations are now met to establish, that a League of Nations be created to promote international co-operation, to ensure the fulfilment of accepted international obligations and to provide safeguards against war.
2. This League should be treated <sup>1</sup> as an integral part of the general Treaty of Peace, and should be open to every civilised nation which can be relied on to promote its objects.
3. The members of the League should periodically meet in international conference, and should have a permanent organisation and secretariat to carry on the business of the League in the intervals between the conferences.

The Conference therefore appoints a Committee representative of the Associated Governments to work out the details of the constitution and functions of the League.

## FIRST MEETING.

HELD AT THE HOTEL CRILLON, FEBRUARY 3, 1919, AT 2.30 P.M.

President WILSON *in the Chair*.

Present:

|                  |   |   |   |                             |
|------------------|---|---|---|-----------------------------|
| President Wilson | . | . | . | } United States of America. |
| Colonel House    | . | . | . |                             |

<sup>1</sup> This is an error for 'created.' See Vol. I, p. 76, note and compare the French in Document 40.

|                                |   |   |   |   |                 |
|--------------------------------|---|---|---|---|-----------------|
| Lord Robert Cecil              | . | . | . | } | British Empire. |
| Lieutenant General J. C. Smuts | . | . | . |   |                 |
| Mr. Léon Bourgeois             | . | . | . | } | France.         |
| Mr. Larnaude                   | . | . | . |   |                 |
| Mr. Orlando                    | . | . | . | } | Italy.          |
| Senator Scialoja               | . | . | . |   |                 |
| Baron Makino                   | . | . | . | } | Japan.          |
| Viscount Chinda                | . | . | . |   |                 |
| Mr. Hymans                     | . | . | . | . | Belgium.        |
| Mr. Epitacio Pessoa            | . | . | . | . | Brazil.         |
| Mr. V. K. Wellington Koo       | . | . | . | . | China.          |
| Mr. Jayme Batalha Reis         | . | . | . | . | Portugal.       |
| Mr. Vesnitch                   | . | . | . | . | Serbia.         |

The Chairman laid before the Commission a Draft Covenant, the text of which is contained in Annex 1, which it was agreed should form the basis of the Commission's deliberations. Mr. Léon Bourgeois laid before the Commission the French proposals relating to the creation of a League of Nations (Annex 2). Mr. Orlando laid before the Commission an Italian Draft Scheme (Annex 3).

A general discussion followed dealing with the procedure to be adopted.

*(The meeting adjourned to meet at 8.30 P.M. on the 4th February at the same place.)*

### *Annex 1 to Minutes of First Meeting.*

## DRAFT COVENANT.

### *Preamble.*

In order to secure international peace and security by the acceptance of obligations not to resort to the use of armed force, by the prescription of open, just and honourable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another, and in order to promote international co-operation, the Powers signatory to this Covenant adopt this constitution of the League of Nations.

### ARTICLE I.

The action of the High Contracting Parties under the terms of this Covenant shall be effected through the instrumentality of meetings

of Delegates representing the High Contracting Parties, of meetings at more frequent intervals of an Executive Council representing the States more immediately concerned in the matters under discussion, and of a permanent International Secretariat to be established at the capital of the League.

#### ARTICLE 2.

Meetings of the Body of Delegates shall be held from time to time as occasion may require for the purpose of dealing with matters within the sphere of action of the League.

Meetings of the Body of Delegates shall be held at the capital of the League, or at such other place as may be found convenient, and shall consist of not more than two representatives of each of the High Contracting Parties.

An Ambassador or Minister of one of the High Contracting Parties shall be competent to act as its representative.

All matters of procedure at meetings of the Body of Delegates, including the appointment of committees to investigate particular matters, shall be regulated by the Body of Delegates, and may be decided by a majority of those present at the meeting.

#### ARTICLE 3.

The representatives of the States, members of the League directly affected by matters within the sphere of action of the League, will meet as an Executive Council from time to time as occasion may require.

The United States of America, Great Britain, France, Italy, and Japan shall be deemed to be directly affected by all matters within the sphere of action of the League. Invitations will be sent to any Power whose interests are directly affected, and no decision taken at any meeting will be binding on a State which was not invited to be represented at the meeting.

Such meetings will be held at whatever place may be decided on, or, failing any such decision, at the capital of the League, and any matter affecting the interests of the League, or relating to matters within its sphere of action or likely to affect the peace of the world, may be dealt with.

#### ARTICLE 4.

The permanent Secretariat of the League shall be established at which shall constitute the capital of the League. The Secretariat shall comprise such secretaries and staff as may be required, under the general direction and control of a Chancellor of the League, by whom they shall be appointed.

The Chancellor shall act as Secretary at all meetings of the Body of Delegates or of the Executive Council.

The expenses of the Secretariat shall be borne by the States members of the League in accordance with the distribution among members of the Postal Union of the expenses of the International Postal Union.

#### ARTICLE 5.

Representatives of the High Contracting Parties and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities, and the buildings occupied by the League or its officials or by representatives attending its meetings shall enjoy the benefits of extraterritoriality.

#### ARTICLE 6.

Admission to the League of States who are not signatories of this Covenant requires the assent of not less than two-thirds of the Body of Delegates.

No State shall be admitted to the League except on condition that its military and naval forces and armaments shall conform to standards prescribed by the League in respect of it from time to time.

#### ARTICLE 7.

The High Contracting Parties undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the League.

#### ARTICLE 8.

The High Contracting Parties recognise the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Executive Council shall formulate plans for effecting such reduction. It shall also enquire into the feasibility of abolishing compulsory military service, and the substitution therefor of forces enrolled upon a voluntary basis, and into the military and naval equipment which it is reasonable to maintain.

The High Contracting Parties further agree that there shall be full and frank publicity as to all national armaments and military or naval programmes.

#### ARTICLE 9.

Any war or threat of war, whether immediately affecting any of the High Contracting Parties or not, is hereby declared a matter of

concern to the League, and the High Contracting Parties reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the High Contracting Parties to draw the attention of the Body of Delegates, or of the Executive Council, to any circumstances anywhere which threaten to disturb international peace, or the good understanding between nations upon which peace depends.

#### ARTICLE 10.

The High Contracting Parties agree that should disputes arise between them which cannot be adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to enquiry by the Executive Council, and until three months after the award by the arbitrators, or a recommendation by the Executive Council; and that they will not even then resort to armed force as against a member of the League which complies with the award of the arbitrators, or the recommendation of the Executive Council.

#### ARTICLE 11.

The High Contracting Parties agree that whenever any dispute or difficulty shall arise between them which they recognise to be suitable for submission to arbitration, and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration, and will carry out in full good faith any award or decision that may be rendered.

#### ARTICLE 12.

The Executive Council will formulate plans for the establishment of a Permanent Court of International Justice, and this Court will be competent to hear and determine any matter which the parties recognise as suitable for submission to it for arbitration under the foregoing Article.

#### ARTICLE 13.

If there should arise between States members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as above, the High Contracting Parties agree that they will refer the matter to the Executive Council; either party to the dispute may give notice to the Chancellor of the existence of the dispute, and the Chancellor will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties agree

to communicate to the Chancellor statements of their case with all the relevant facts and papers.

Where the efforts of the Council lead to the settlement of the dispute, a statement shall be prepared for publication indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate. If the dispute has not been settled, a report by the Council shall be published, setting forth with all necessary facts and explanations the recommendations which the Council think just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the Council, other than the parties to the dispute, the High Contracting Parties agree that none of them will go to war with any party which complies with its recommendations. If no such unanimous report can be made, it shall be the duty of the majority to issue a statement indicating what they believe to be the facts and containing the recommendations which they consider to be just and proper.

The Executive Council may in any case under this article refer the dispute to the Body of Delegates. The dispute shall be so referred at the request of either party to the dispute. In any case referred to the Body of Delegates all the provisions of this Article relating to the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates.

#### ARTICLE 14.

Should any of the High Contracting Parties be found by the League to have broken or disregarded its covenants under Article 10, it shall thereby *ipso facto* be deemed to have committed an act of war against all the other members of the League, which shall immediately subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention, so far as possible, of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the League or not.

It shall be the duty of the Executive Council in such a case to recommend what effective military or naval force the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The High Contracting Parties agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will afford passage through their territory to the forces of any of the

High Contracting Parties who are co-operating to protect the covenants of the League.

#### ARTICLE 15.

In the event of disputes between one State member of the League and another State which is not a member of the League, or between States not members of the League, the High Contracting Parties agree that the State or States not members of the League shall be invited to become *ad hoc* members of the League, and upon acceptance of any such invitation, the above provisions shall be applied with such modifications as may be deemed necessary by the League.

Upon such invitation being given the Executive Council shall immediately institute an enquiry into the circumstances and merits of the dispute and recommend such action as may seem best and most effectual in the circumstances.

In the event of a Power so invited refusing to become *ad hoc* a member of the League, and taking any action against a State member of the League, which in the case of a State member of the League would constitute a breach of Article 10, the provisions of Article 14 shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to become *ad hoc* members of the League, the Executive Council may take such action and make such recommendations as will prevent hostilities, and will result in the settlement of the dispute.

#### ARTICLE 16.

The High Contracting Parties entrust to the League the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest.

#### ARTICLE 17.

The High Contracting Parties agree that in respect of territories which formerly belonged to the German Empire or to Turkey, and which are inhabited by peoples unable at present to secure for themselves the benefits of a stable administration, the well-being of these peoples constitutes a sacred trust for civilisation, and imposes upon the States members of the League the obligation to render help and guidance in the development of the administration. They recognise that all policies of administration or economic development should be based primarily upon the well-considered interests of the peoples themselves, upon the maintenance of the policy of the open door, and of equal opportunity for all the High Contracting Parties in respect of the use and development of the economic resources of the territory. No military or naval forces shall be formed among the inhabitants of

the territories in excess of those required for purposes of defence and of internal police.

ARTICLE 18.

The High Contracting Parties will work to establish and maintain fair hours and humane conditions of labour for all those within their several jurisdictions, and they will exert their influence in favour of the adoption and maintenance of a similar policy and like safeguards wherever their industrial and commercial relations extend. Also they will appoint commissions to study conditions of industry and labour in their international aspects, and to make recommendations thereon, including the extension and improvement of existing conventions.

ARTICLE 19.

The High Contracting Parties agree that they will make no law prohibiting or interfering with the free exercise of religion, and that they will in no way discriminate, either in law or in fact, against those who practice any particular creed, religion, or belief whose practices are not inconsistent with public order or public morals.

ARTICLE 20.

The High Contracting Parties will agree upon provisions intended to secure and maintain freedom of transit and just treatment for the commerce of all States members of the League.

ARTICLE 21.

The High Contracting Parties agree that any treaty or international engagement entered into between States members of the League shall be forthwith registered with the Chancellor, and as soon as possible published by him.

ARTICLE 22.

The High Contracting Parties severally agree that the present Covenant is accepted as abrogating all obligations *inter se* which are inconsistent with the terms hereof, and solemnly engage that they will not hereafter enter into any engagements inconsistent with the terms hereof.

In case any of the Powers signatory hereto, or subsequently admitted to the League shall, before becoming a party to this Covenant, have undertaken any obligations which are inconsistent with the terms of this Covenant it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

*Annex 2 to Minutes of First Meeting.*DRAFT ADOPTED BY THE FRENCH MINISTERIAL COMMISSION FOR THE  
LEAGUE OF NATIONS.

(Translation.)

## I.

*Statement of the Principles to be taken as Basis of the  
League of Nations.*

The problem of the League of Nations is one which forces itself upon the consideration of every Government. Historically, the idea is a very old one, which took shape when the civilised States assembled at the two Hague Conferences in 1899 and 1907. Practically, during the present war, it has been taken up afresh under various forms by the Allied Governments in their official declarations, by President Wilson in his note of December 1916, and even by our enemies in their replies to the Papal Note of the 16th August, 1917. It is, therefore, impossible to avoid the study of the question; it can and must be considered quite apart from the questions which form the subject proper of the Treaty of Peace.

1. In declaring that a sense of justice and honour compelled them to carry on the war thrust upon them by the aggressive action of the Central Powers until a joint and decisive victory had been gained, the Allies intend to convey that one of the results of that victory should be (a) to protect the world in future against any recurrence of the employment of brute force and attempts on the part of any nation to obtain universal supremacy, and (b) to establish the reign of justice on sure foundations throughout the world.

They declare that, in order to secure conditions which will exclude the existence of a mere dangerous truce and guarantee real peace, it is necessary to provide for the contractual and permanent organisation of international relations, by the constitution between States of the association to which universal public opinion has given the name of "the League of Nations."

2. The object of the League of Nations shall not be to establish an international political State. It shall merely aim at the maintenance of peace by substituting Right for Might as the arbiter of disputes. It will thus guarantee to all States alike, whether small or great, the exercise of their sovereignty.

3. The scope of the League of Nations is universal, but, by its very nature, it can only extend to those nations which will give each other all necessary guarantees of a practical and legal nature, and which, in loyal fulfilment of their given word, solemnly undertake to be bound by certain rules in order to maintain peace by respecting Right, and to guarantee the free development of their national life.

Consequently, no nations can be admitted to the League other than those which are constituted as States and provided with representative institutions such as will permit their being themselves considered responsible for the acts of their own Governments.

4. The League of Nations shall be represented by an international body, composed of the responsible heads of Governments or of their delegates.

This international body shall have the following powers:—

- (1.) It shall organise an international tribunal.
- (2.) It shall effect the amicable settlement of disputes between the States members of the League by means of mediation, preceded, if necessary, by an enquiry in the terms of The Hague Convention of 1907.
- (3.) In the event of an amicable settlement proving impossible, it will refer the matter to the International Tribunal; if the question at issue is open to a legal decision; otherwise it shall itself decide the matter.
- (4.) It shall enforce the execution of its decisions and those of the International Tribunal; at its demand every nation shall be bound, in agreement with the other nations, to exert its economic, naval, and military power against any recalcitrant nation.
- (5.) Every nation shall likewise be bound, at the demand of the International Body, to exert, in common accord with the other nations, its economic, naval, and military power against any nation which, not having become a member of the League of Nations, shall attempt, by any means whatsoever, to impose its will on another nation.

5. The International Tribunal shall pronounce on all questions submitted to it, either by the International Body or by a State having any dispute with another.

It shall decide and pronounce upon questions of law at issue between States, on the basis of custom or of international conventions, as well as of theory and jurisprudence.

In cases of violation of such law, it shall order the necessary reparation and sanctions.

## II.

### *Diplomatic, Legal, and Economic Sanctions.*

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#### (1.) *Diplomatic Sanctions.*

These sanctions, the result of which will be to place the delinquent State for a shorter or longer period under the ban of the member nations, fall under three headings:—

- (a.) The suspension or breaking off of the diplomatic relations existing up to that period between such State and other member States of the League of Nations;
- (b.) The withdrawal of the *exequatur* granted to the consuls of such State;
- (c.) The exclusion of the State in question from the benefit of any international conventions to which it may be a party.

### (2.) *Legal Sanctions.*

On the other hand, certain sanctions of a legal nature will enable the League of Nations, according to circumstances, to enforce respect of the principles which it is called upon to protect.

- (a.) Thus offences committed, encouraged, or tolerated by one of the member States may render it liable to pecuniary sanctions which will be applied to it by the International Court of Justice, in accordance with the general principle laid down by Article 3 of The Hague Convention of the 18th October, 1907, as to the laws and customs of war.
- (b.) There are, moreover, other sanctions of a legal nature which, without entailing the direct pecuniary responsibility of the State concerned, will exert a very marked and immediate influence on the attitude and decisions of its representatives, by reason of the sacrifices it will impose on the private interests of the citizens themselves. There will be no question of depriving the latter of the advantages of common law, or of punishing them for acts for which they are not directly answerable; but that national unity which confers responsibilities as well as benefits, will doubtless permit of the temporary withdrawal from them of the exercise of a faculty which, although not indispensable to existence, nevertheless tends to facilitate it.

The following may be instanced as particularly efficacious measures from this point of view: the suspension, as regards subjects of the recalcitrant State, of all Articles of Association, conventions relating to the protection of authors' copyright and of industrial property, and conventions under private international law concluded between that State and the other States, members of the League of Nations; the exclusion of nationals of the recalcitrant State from recourse to the Courts of Law in the countries members of the League; the refusal to grant the *exequatur* in the said countries as to the execution of judgments pronounced by its Courts in favour of the nationals; the seizure and sequestration of real estate or movable property belonging to its nationals in the said countries; the prohibition of commercial relations, and even, if necessary, of any agreement of a private nature with subjects of the States belonging to the League of Nations.

The foregoing to be without prejudice to any legal sanctions

applicable under the ordinary rules of criminal jurisdiction to the individual whose outrages upon law or whose actions may have endangered the maintenance of peace, or to the subsidiary measures which the League of Nations may think well to take in order to secure conviction, in case it is not ensured by the Government to the jurisdiction of which the criminal is subject.

### (3.) *Economic Sanctions.*

Other sanctions of an economic nature can be employed by the League of Nations, by which it will be enabled to exercise an efficient control over the recalcitrant State, by various measures which may extend to placing it under an absolute commercial, industrial, or financial ban.

The principal measures in question are:—

- (a.) *Blockade*, consisting in the prevention by force of any commercial intercourse with the territory of the State in question.
- (b.) *Embargo*, i.e., the seizure and temporary sequestration, in the ports and territorial waters of the member States, of ships and cargoes belonging to the delinquent State and its nationals, as also the seizure of all goods destined for such State.
- (c.) Prohibition of the supply of raw materials and foodstuffs indispensable to its economic existence.
- (d.) Prohibition of the issue by such State of public loans in the territories of the member States; refusal to allow stock issued elsewhere to be quoted on the official Exchange, and even withdrawal of any previous permission for the quotation of the stock of such State.

The sanctions thus provided will be all the more efficacious and their application will be all the more prompt, in that the member States will have previously arranged to protect themselves against any reprisals to their prejudice, by means of an economic organisation adapted to facilitate their co-operation and mutual assistance.

This rough outline will show that the League of Nations will not be without weapons with which to enforce its decisions, and to impose on any disturbing elements that "Peace by Justice," the maintenance of which will be its *raison d'être*.

### III.

#### *Military Sanctions.*

##### (i.) *International Forces.*

The execution of the military sanctions on land or at sea shall be entrusted either to an international force, or to one or more

Powers members of the League of Nations, to whom a mandate in that behalf shall have been given.

The International Body shall have at its disposal a military force supplied by the various member States of sufficient strength:—

- (1.) to secure the execution of its decisions and those of the International Tribunal;
- (2.) to overcome, in case of need, any forces which may be opposed to the League of Nations in the event of armed conflict.

(ii.) *Strength of International Contingents.*

The International Body shall determine the strength of the international force and fix the contingents which must be held at its disposal.

Each of the member States shall be free to settle as it deems best the conditions under which its contingent shall be recruited.

The question of the limitation of armaments in each of the member States will be dealt with elsewhere.

(iii.) *Permanent Staff.*

A permanent international Staff shall investigate all military questions affecting the League of Nations. Each State shall appoint the officer or officers who shall represent it in a proportion to be determined later.

The Chief and Deputy Chiefs of Staff shall be appointed for a period of three years by the International Body, from a list submitted by the member States.

(iv.) *Functions of the Permanent Staff.*

It shall be the duty of the permanent international Staff to deal, under the supervision of the International Body, with everything relating to the organisation of the joint forces and the eventual conduct of military operations. It will in particular be charged with the task of inspecting international forces and armaments in agreement with the military authorities of each State, and of proposing any improvements it may deem necessary, either in the international military organisation or in the constitution, composition, and methods of recruiting of the forces of each State.

The Staff shall report the result of its inspections, either as a matter of routine or at the request of the International Body. Military instruction shall be given in each member State in accordance with rules designed to procure, as far as possible, uniformity in the armaments and training of the troops destined to act in concert.

The International Body shall be entitled, at any time, to require

that the member States introduce any alteration into their national system of recruiting which the Staff may report to be necessary.

(v.) *Commander-in-Chief and Chief of General Staff.*

When circumstances shall so require, the International Body shall appoint, for the duration of the operations to be undertaken, a Commander-in-chief of the international forces.

Upon his appointment, the Commander-in-chief shall nominate his chief of General Staff and the officers who are to assist him.

The powers of the Commander-in-chief and his Chief of General Staff shall cease when circumstances become such that an armed conflict is no longer to be feared, or when the object of the military operations has been attained.

In either case, the date at which the powers of the Commander-in-chief and the General Staff shall cease shall be fixed by a decision of the International Body.

IV.

*Scope and Functions of the International Body.*

Public opinion among civilised nations, which regards The Hague Conference as a step towards the recognition and application of the principles of justice and equity as guarantees of the security of States and the well-being of their peoples, is unanimously demanding a fresh effort in the same direction. Although it has seen arbitration applied in cases of ever-increasing importance, and likewise the creation of an international judicial organisation and the institution of a system of enquiry and mediation, it still considers as indispensable the establishment of more concrete guarantees, in order that peace may be secured by the reign of organised justice.

The question thus arises of the institution of a permanent International Body to carry into effect the real aims of the League of Nations.

There is no question of making the League of Nations a super-State, or even a Confederation. Any such idea is rendered impossible by respect for the sovereignty of States, by the diversity of national traditions and of political and judicial standards, by the differences in systems of administration and opposition of economic interests; but public opinion among the free nations would be disappointed if the result of the present crisis were not to be the institution of an International Body capable of contributing, by constant vigilance and the exercise of sufficient authority, to the maintenance of peace.

In conformity with the statement of principles adopted by the Commission on the 18th January, this body, constituted in the form of an International Council, will derive its authority from the reciprocal undertaking given by each of the member nations to use its

economic, naval, and military power in conjunction with the other members of the League against any nation contravening the Covenant of the League.

(i.) *Maintenance of Peace between the Member Nations.*

The Council shall devise and apply all means for the prevention of international disputes.

To this intent—

1. The International Council shall maintain and develop the international legal institutions created at The Hague and call for international decisions to supplement them as may be required.

2. The International Council shall, either at the demand of the parties or at the instance of a third State, effect an amicable settlement of differences menacing peace between the member States; in default of any such demand, it shall be bound to take the initiative as regards such settlement.

3. It shall, in the first place, proceed either by means of good offices and of mediation (preceded, if necessary, by an enquiry in the terms of the First Hague Convention of 1907), or by reminding the disputant States that the permanent Court is open to them.

4. Should no amicable settlement be thus obtained, the International Council shall consider whether the question is of a legal nature, in which case it shall order the disputant States to submit their difference to the Court of International Jurisdiction, which is competent to deal with the matter in the terms of Section IV of the First Hague Convention; in default of a compromise being effected by agreement between the parties, the Court of The Hague shall be competent to draw up such compromise by extension of Article 53 of the said Convention.

5. The International Council shall ensure the execution of the decisions of the International Court, if necessary, by resorting to the application of diplomatic, legal, economic, and military sanctions.

6. Should the International Council consider that the matter is not of a nature to be finally settled by a legal decision, it shall deal with the question direct.

It shall in the first instance attempt to promote an amicable settlement, and, should it not itself be successful in so doing, it shall define the terms according to which the dispute shall be settled in a manner which shall respect the rights of each State and the maintenance of peace.

This decision shall be notified to the States concerned, it being intimated to them that as from such date no dispute exists between the contestant States, but between the entirety of the member States and the State which, by refusing to accept such decision, violates the very principles of the League. Should the State concerned refuse to accept the decision after having been summoned to do so, the Inter-

national Council shall notify to it the coercive measures of a diplomatic, legal, economic, or military nature to be taken against it within a specified time.

(ii.) *Defence against Non-Member States.*

Should a non-member State attempt to impose its will on any member State upon any pretext whatsoever, the International Council shall, after having employed all possible means of conciliation, decide upon the steps to be taken and shall cause all legal, diplomatic and military action at the disposal of member States to be employed against such State.

(iii.) *Precautionary Measures against the Spread of any Conflict between Non-Member States.*

Should conflict threaten to break out between two nations who are not members of the League of Nations, the International Council shall be bound to prevent any risk of its extension in such a manner as to concern member States, and to use all means in its power to arrive at a peaceful settlement.

v.

*Composition of the International Council and of the Permanent Delegation.*

The International Council representing all the nations subscribing to the Covenant for securing peace by organised legislation shall be constituted as follows:—

1. Each member State shall be represented by the head of its Government, or by a representative of such Government having sufficient power to bind the liability of his State.

2. A plenary meeting of the International Council alone shall be empowered to decide questions coming within its jurisdiction. It shall make known the rulings given in the case of disputes between States, and, should any such State refuse to accept the ruling, it shall cause the (corresponding) sanctions to be carried into effect by the Governments of the member States.

3. The International Council shall hold its ordinary meeting once a year. The date and place of the following meeting shall be settled at each such meeting.

4. The members of the International Council shall agree *inter se* concerning the appointment of members of the Permanent Delegation which shall, between the meetings, receive all communications destined for the said Council, prepare its reports, &c., keep its archives in safe custody, and, in cases of emergency, send out notices

to members of the Council and propose the calling of a special meeting.

5. The Permanent Delegation shall consist of 15 members. Their term of office shall be . . . . . years, and they shall be eligible for re-election.

6. The International Council shall define the powers of its Permanent Delegation.

7. The International Council shall call an extraordinary meeting at the suggestion of the Permanent Delegation (see paragraph 4 hereof), or at the request of one or more of the member States.

June 8, 1918.

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*Annex 3 to Minutes of First Meeting.*

DRAFT SCHEME FOR THE CONSTITUTION OF THE SOCIETY OF  
NATIONS.

(Translation.) (Submitted by the Italian Delegation.)

The President of the United States of America, the President of the French Republic, His Majesty the King of Great Britain and Ireland, His Majesty the King of Italy, and His Majesty the Emperor of Japan, animated by a common desire to secure a stable peace and friendly co-operation between all States, to enforce a more rigorous observance of justice and equity between them, and to provide the best means of promoting their common interests, duly invite all those States taking part in the Conference assembled in Paris, in January 1919, to form themselves for the above purposes into a "Society of Nations."

The five above-named States, and all those accepting this invitation, holding it to be necessary, for the purpose in view, to establish a legal basis of international relations, guaranteeing to every free State the necessary conditions of its independent and autonomous development, and to determine the means by which each, in proportion to its resources, is to contribute to the well-being and progress of civilisation, solemnly declare their sincere and unshakable intention of regulating their conduct according to the following fundamental principles:—

1. Every State is equal before the law. Inequalities of power cannot be invoked in justification of any act of commission or omission, or of any claim or pretention incompatible with the respect due to the rights of others and with the fulfilment of international duties.

The more progressive States are under the obligation of lending their assistance, under the supervision of the Society of Nations, towards the proper government of countries

- which have not yet reached a stage of ordered civilisation, with the object of promoting the progress of such countries.
2. Every action or attempted action constituting a curtailment of or menace to the political independence or territorial integrity of a State contradicts the principles by which international solidarity can alone be assured.
  3. Every State has the right to participate in international commerce and traffic in conditions of legal equality. This freedom or equality shall, however, not be affected by any restrictions, such as customs and sanitary regulations, which a State in its own interest may require to impose.
  4. Navigation of the seas is free to merchant ships of every flag. Sovereign rights over territorial waters and ports cannot be exercised in such a way as to prejudice substantially such freedom of navigation.
  5. The international distribution of the foodstuffs and raw materials required to sustain healthy conditions of life and industry, must be controlled in such a way as to secure to every country whatever is indispensable to it in this respect.
  6. All laws and regulations intended to protect the rights and interests of work-people shall be applied in every country without distinction of nationality. This principle, however, is not to be considered as interfering with the right of a State to limit the following by foreigners of particular professions and the employment of foreign labour in certain kinds of work.
  7. No State can release itself from the obligations assumed, by entering into any international treaty outside the scope hereof, except by the consent of all the parties concerned or by recourse to bodies competent to solve disputes arising from such independent action.
  8. Secret international treaties are prohibited.

The contracting States further undertake to guarantee in their mutual relations the observance of these principles, with the object of safeguarding and promoting their common interests, through:—

- (a) The constitution and working of certain international bodies duly designed to fulfil the various objects in view.
- (b.) The formulation of a special procedure to prevent and solve all disputes which may arise between them; and
- (c.) The sanction of certain coercive measures for the repression of any action in violation of the agreements here or hereafter entered into in accordance with the above principles.

With the object of putting the above conception into immediate practice, in so far as present conditions permit, the Contracting States hereby agree as follows:—

*General Provisions.*

Article 1. The Contracting States undertake:—

- (a) To solve all disputes arising between them in accordance with the methods laid down in this Convention;
- (b.) To respect and execute in good faith all decisions arrived at through the same procedure;
- (c.) To abstain from every coercive act, one against the other, except as provided for in Section IV of this Convention.

The Contracting States accordingly undertake to reduce their armed forces of every kind within whatever limits are decreed necessary according to the provisions which shall hereafter be established in a special protocol.

Art. 2. All treaties entered into by the present or any future signatories hereof, which are contrary to the principles laid down in the preamble or to the rules contained in the following Articles of the Convention, shall be considered null and void.

The abrogation of such treaties shall be decided at the request of any party interested in the manner laid down in Section II of this Convention.

## SECTION I.

*Regulation and Administration of Matters of Common Interest.*

Art. 3. The representatives of all the Contracting States shall meet in Conference periodically in the city of . . . . . for the purpose of formulating and developing the principles of international law, and of examining and discussing matters of common interest.

At the conclusion of each Conference the date of its next meeting shall be fixed.

Art. 4. Every State shall have one vote only in the meetings of the Conference, but may be represented by Delegates up to the number of three.

Proposals passed by a majority of not less than two-thirds of the States voting shall be considered adopted in all cases except those otherwise provided for by this Convention.

Art. 5. A Council, composed of a representative of each of the five Great Powers mentioned in the preamble as promoters of the scheme and of four representatives of the other Contracting States, nominated by each successive Conference, together with an equal number of supplementary members chosen by the same methods as deputies for any representatives prevented from attending, shall meet at least once a year, or whenever circumstances demand it, to deal with matters of common interest or requiring immediate action.

The Council shall elect from among its members a Chairman and a Vice-Chairman by secret ballot and by a majority vote. In the

event of an equal number of votes being cast after a second ballot, the oldest candidate shall be accounted elected.

Art. 6. There shall be appointed, at the discretion of the Council, a permanent Secretariat, with its offices at. . . . . Its duties shall be to prepare and co-ordinate the business of the Conferences, to record all decisions, and to deal with the documents concerned.

Art. 7. There shall be established under the direction of the Council, and in the form which the latter shall deem most suitable, an Economic Commission, a Labour Commission, and a Military Commission.

The Economic Commission shall procure and furnish data for the solution of international problems of an economic and financial character, in such a way as to facilitate the progressive and harmonious co-ordination of the interests of every country in this field.

The Labour Commission shall collect materials and formulate proposals for the protection of workpeople, and for the solution of international problems affecting them; and it shall give its opinion on all international controversies that may arise as to the interpretation and application of treaties relating to international labour legislation.

The Military Commission shall collect materials and formulate proposals for the solution of the various military problems confronting the Society of Nations.

Art. 8. All international Unions, Institutions, and Departments already constituted for the purpose of safeguarding or administering certain matters of common interest, shall form part of the general constitution of the Society of Nations, and shall conform to the principles and regulations established by this Convention.

As far as they regard those States not party to the Constitution, no changes shall be made.

Art. 9. Whenever international interests demand it, new international bodies shall be formed according to the principles laid down in the preamble of this Convention, either by agreement of all the members of the Society of Nations or of some of them.

## SECTION II.

### *Solution of International Disputes.*

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#### Subsection 1.—*Court of Enquiry and Conciliation.*

Art. 10. Any dispute arising between any of the Contracting Parties which cannot be solved by amicable negotiations, must automatically be settled by arbitration. If the parties concerned cannot agree on the choice of an Arbitrator to whose judgment they are prepared to submit, the matter shall be referred, at the request of either party, to the Council mentioned in Article 5, which, with the addi-

tion of a representative of each of the parties in dispute (in the event of the parties not being already represented), shall proceed to deal with the question in the capacity of a Court of Enquiry and Conciliation.

Art. 11. The representatives on the Council at the time when the latter is charged with the duty of settling a dispute shall remain at their posts until their duties in this respect have been discharged, even if in the meantime the term of their appointment comes to an end and they are not confirmed in their appointment.

The office of Chairman of the Council cannot be held by the representative of one of the States party to the dispute. In the event of this being the case, the Chairman shall be replaced by the Vice-Chairman, and the latter by the senior member of Council or by the oldest member present wherever seniority is equal.

Art. 12. The State making appeal to the Council shall forward to the same a Petition, containing a full account of the dispute and of its own demands.

On the receipt of the Petition, the Council shall inform the other State or States party to the dispute, and shall assign to them a suitable time-limit in which to put forward their case.

Art. 13. The Council shall make every effort to bring about an amicable settlement of the dispute. But in the event of such effort failing, or if it considers it otherwise advisable, the Council shall come to a decision on the matter at issue forthwith, according to the provisions of the following article.

Art. 14. If the dispute has been submitted to the Council by one only of the parties, and the other has either not approached it on the matter or considers that the dispute should be decided by a legal judgment, the Council shall examine the nature of the question, and if, in its opinion, either by reason of its intrinsic character or of the existence of previous agreements which there is no reason to set aside, the matter is one which should properly be solved according to the principles of international law rather than on grounds of equity or political expediency, it shall refer the question to the Court of International Justice.

In all other cases the Council shall decide on the merits of the case, unless it prefers to refer the dispute in question, either on account of its nature, its importance, or on account of the attending circumstances, to the Conference mentioned in Article 3.

Art. 15. Both the Conference and the Council shall control their own procedure. They shall have the authority to nominate Commissions of Enquiry to collect evidence and to procure the production of all documents relating to the case at issue, with due regard to the interests of the States involved.

The Contracting States bind themselves to produce all such documents required.

Art. 16. The Conference and the Council shall formulate their

decisions on the grounds of equity and political expediency, with the object of securing a just and stable arrangement as between the parties in dispute.

Art. 17. Any solution of a dispute adopted by two-thirds of the Conference or of the Council shall be binding on the parties concerned. The minority shall in any case be accorded the right to draw up its own reasoned finding and to publish it together with the finding of the majority.

Failing a two-thirds majority, the opinion of the majority shall have the weight of a simple recommendation. In this case the dispute may be referred by the Council to the Conference, or by the Conference to a subsequent Conference.

#### Subsection II.—*Court of International Justice.*

Art. 18. There shall be established at The Hague an International Court of Justice composed of judges appointed by all the Contracting States. Each State shall appoint one judge for six years, with the right of renewing the appointment.

Art. 19. The Court shall elect from among its own members, every two years, a President and a Vice-President by secret ballot and by a majority vote. In the event of an equal number of votes being cast after a second ballot, the oldest candidate shall be accounted elected.

Art. 20. The body known as the "Permanent Court of Arbitration" established by The Hague Convention of the 29th July, 1889, with the object of securing a peaceful solution of international disputes, shall serve as Chancery to the Court of International Justice.

Art. 21. The Court shall form itself into Panels to deal with each case brought before it.

A panel shall consist of:—

1. The President of the Court, or, in the event of his being disqualified, the Vice-President.
2. One Judge chosen from among the members of the Court by each of the parties concerned in the dispute.
3. Four or five Judges—whichever number will bring the total of those serving on the Panel to an odd number—chosen from among the members of the Court by secret ballot.

Each member shall vote for two names, and those Judges shall be elected who receive the greater number of votes. The oldest among the candidates shall be accounted elected, whenever the voting is equal.

In the event of one of the parties to the dispute not nominating a Judge of its own, the Court shall elect by secret ballot an additional member to the Panel.

Art. 22. The Court of International Justice shall hear:—

- (a.) All cases submitted to it by formal compromise between the parties to the dispute.
- (b.) Cases referred to it by the Council and brought forward by one of the parties only, as laid down in Article 14; in such cases compromise shall not be necessary.

Art. 23. If the dispute is referred to the Court by formal compromise, such compromise shall mention the name of the Judge chosen by each party. The President shall thereupon immediately convene the Court, which shall proceed to the election of the remaining members of the Panel according to the provisions of the foregoing Article.

If, on the contrary, the dispute has been referred to the Court at the request of one party only, the name of the Judge chosen by that party shall be specified. The President shall thereupon notify the fact to the other party and shall invite it to nominate a Judge within a period in no circumstances exceeding thirty days. On the receipt of a nomination, or at the expiration of the said period, the President shall convene the Court, which shall proceed to the election of the members of the Panel which is to try the case.

Art. 24. The Panel cannot be altered during the course of the trial. In the event of a Judge's non-attendance, he shall be replaced by another chosen by the parties or elected by the Court in the same manner as his predecessor. Such a vacancy must be filled in the shortest possible time, and in any case within a period not exceeding thirty days.

Art. 25. When the instrument of compromise contains no reference as to procedure, the Panel shall make whatever regulations it thinks fit, or shall observe those laid down by The Hague Convention of the 18th October, 1907, for the amicable settlement of international disputes in so far as they are applicable.

The work of cross-examination may be allocated to one or more of the Panel's members.

Art. 26. The Contracting States bind themselves to give every facility to the Court of International Justice to procure the production of whatever documents or any other evidence may be required, in accordance with the formalities governing domestic relations.

### SECTION III.

#### *Sanctions.*

Art. 27. When a State does not conform to an obligatory decision of the Conference or of the Council, as laid down in Article 17, or of the International Court of Justice, the Council shall invite it to do so, and may prescribe a period within which it must do so.

Art. 28. If within this period the State in question fails to carry out this decision, the Council shall decide what measures shall be

taken to induce its submission, and shall thereupon notify all the Contracting States of the measures decided on, requesting that they should be immediately put into practice. The Contracting States shall be bound to comply with the request, and to do all in their power to ensure the execution thereof in the most efficacious manner possible.

Refusal to obey, or delay or insufficient zeal in carrying out the measures prescribed, shall expose the recalcitrant State to the censure of the Council, which may accordingly take against it one or more of the courses of action indicated below.

Art. 29. The following is a list of the most important of the sanctions recommended:—

- (a.) Rupture of diplomatic relations with the recalcitrant State.
- (b.) Withdrawal of the *exequatur* conceded to the recalcitrant State's consular agents.
- (c.) Suspension of the treaty rights of the recalcitrant State.
- (d.) Imposition of a pecuniary indemnity or other form of fine on the recalcitrant State.
- (e.) Sequestration of property, whether real or otherwise, of the recalcitrant State, situate or being in the territories of the States loyal to the Convention, and the refusal of all credits to the former.
- (f.) Police supervision or expulsion of the subjects of the recalcitrant State. Prohibition to the same to enter into or to take up their residence within the territories of the loyal States. Restrictions on the economic and legal rights of the same.
- (g.) Closing of ports to the ships of the recalcitrant State, and the withholding from the latter of raw materials and other necessities.
- (h.) Prohibition of all official quotations of the Government stocks of the recalcitrant State.
- (i.) Economic and commercial boycott, partial or total.
- (j.) Embargo on all ships or cargoes belonging to the recalcitrant State or its subjects; and on goods destined for the said State in the ports and territorial waters of the loyal States.
- (k.) Blockade of the recalcitrant State by the naval forces at disposal of the Council.
- (l.) Exclusion of the recalcitrant State from the Society of Nations.
- (m.) Joint war on the recalcitrant State by all the loyal members of the Society of Nations.

The Council may moreover take any other coercive measures, direct or indirect, not here enumerated, which appear to it adapted to overcome the resistance of the recalcitrant State.

Art. 30. In the event of a recalcitrant State declaring itself ready to submit, the Council may order the revocation of any coercive measures prescribed, subject to due guarantees being furnished that

its orders shall henceforth be fulfilled, and that due reparation shall be made by the offender for any damages occasioned by its disobedience in the first instance.

Art. 31. If any State, party to a dispute, should violate its obligations under Article 1 not to go to war before the decision of the Conference, Council, or Court has been pronounced, all the other Contracting Parties shall consider themselves in a state of war with the recalcitrant State, and may jointly or severally take whatever measures they may think suitable for the defence of the State attacked.

The Council shall immediately meet and determine what specific measures shall be taken in accordance with Article 28 hereof.

#### SECTION IV.

##### *Relations with Non-Contracting States.*

Art. 32. In the event of a dispute arising between one of the Contracting States and a Non-Contracting State, and in the event of friendly negotiations or arbitration failing to solve such dispute, the former shall have the right to appeal to the Council to intervene; and, in the event of such intervention failing, to invite the Non-Contracting State to submit the whole question to the decision of the Council.

If the Non-Contracting State accepts this invitation the dispute shall be settled in the manner prescribed above, as if the Non-Contracting State were a Contracting State.

Art. 33. If the Non-Contracting State refuses such invitation, or if any act of hostility be committed by it against the Contracting State, the Council, at the request of the latter, shall examine the dispute in question and decide whether and in what conditions and by what specific measures the said State shall be assisted by the remaining Contracting Parties.

##### *Final Provisions.*

Art. 34. Regulations shall be drawn up (a) providing for the manner in which expenses attending the constitution and working of the international bodies hereinbefore referred to shall be met; (b) defining their rights and privileges; and (c) fixing the most effective means of realising the above provisions.

Art. 35. Any State, whose constitution conforms to the principles set out at the beginning of this Convention, shall have the right to adhere to the same by formally declaring its intention to do so at the office of the Secretariat mentioned in Article 6, which shall immediately notify all parties of such intention. If within six months of such declaration no objection should have been received at the said office to the adherence of the said State the latter shall be admitted

to membership forthwith. If, on the contrary, an objection is raised, the reason for such objection shall be communicated without delay and within the said period of six months to the State in question and to all parties concerned; and in the event of such objection not being set aside by agreement, the matter shall be referred to the Council for decision according to the procedure laid down in Section II of this Convention.

Art. 36. Admittance to the Society of Nations implies full and unequivocal acceptance of the provisions and regulations established in this Convention and of any subsequent clauses embodied in it by the Contracting Parties.

Art. 37. The number of representatives on the Council, as provided in Article 5, may be increased at any time when the Conference deems such increase expedient, whether by reason of the adherence of a larger number of States to the Society of Nations or for some other reason.

Art. 38. Ratifications to this Convention shall be deposited at the office of the Secretariat mentioned in Article 6, which shall notify forthwith all Contracting Parties.

The present Convention shall become effective thirty days after the date on which at least of the Contracting States, including the five Great Powers, have deposited their ratifications. For those Contracting States whose ratifications remain outstanding, this Convention shall become effective thirty days after such ratifications have been duly deposited. Similarly, for those States adhering, according to the provisions laid down in Article 35, this Convention shall become effective thirty days after their admittance to the Society of Nations has become definite.

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## SECOND MEETING, FEBRUARY 4, 1919, AT 8.30 P.M.

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President WILSON *in the Chair.*

Present:

|                                |   |   |   |                             |
|--------------------------------|---|---|---|-----------------------------|
| President Wilson               | . | . | . | } United States of America. |
| Colonel House                  | . | . | . |                             |
| Lord Robert Cecil              | . | . | . | } British Empire.           |
| Lieutenant General J. C. Smuts | . | . | . |                             |
| Mr. Léon Bourgeois             | . | . | . | } France.                   |
| Mr. Larnaude                   | . | . | . |                             |
| Mr. Orlando                    | . | . | . | } Italy.                    |
| Senator Scialoja               | . | . | . |                             |
| Baron Makino                   | . | . | . | } Japan.                    |
| Viscount Chinda                | . | . | . |                             |

|                                    |           |
|------------------------------------|-----------|
| Mr. Hymans . . . . .               | Belgium.  |
| Mr. Epitacio Pessoa . . . . .      | Brazil.   |
| Mr. V. K. Wellington Koo . . . . . | China.    |
| Mr. Jayme Batalha Reis . . . . .   | Portugal. |
| Mr. Vesnitch . . . . .             | Serbia.   |

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The Commission entered upon the consideration of the Draft Covenant.

The Preamble was provisionally passed, subject to the understanding, arrived at on the motion of Mr. Bourgeois, that it would be open to the Commission to reconsider it later after the Articles had been examined; and subject also to an amendment, proposed by Lord Robert Cecil and accepted by the Commission, to transfer the words, "In order to promote international co-operation" to the beginning of the Preamble as follows: "In order to promote international co-operation and to secure international peace . . . ."

A discussion followed on the title of the international body to be established; various preferences were expressed for the words, "Society," "Union," "League," "States," and "Nations" respectively.

Mr. Pessoa remarked that the word "Society" had a special meaning and belonged to the domain rather of private law than of international law. He preferred "League" or "Union." He also preferred the use of the word "State" to that of the word "Nation"; the "person" whose juridical life is the subject matter of international law is the State, not the nation. The phrase "League of States" or "Union of States" should therefore be used.

It was generally agreed that there was no object to be gained by altering the formula endorsed by popular usage in each language.

Mr. Hymans brought forward the request made for representation on the Commission of four other Powers, Greece, Poland, Roumania, and the Czecho-Slovak Republic, which had been referred to the Commission by the Conference. After discussion it was agreed that the new members should be admitted, and President Wilson undertook to convey this decision to the Conference.

Mr. Batalha Reis said that he considered it necessary to settle what language should be adopted for the authoritative text of the Covenant.

This question was left to be dealt with later by the Conference.

The Commission then proceeded to the discussion of the Articles of the Draft.

#### ARTICLE I.

After some discussion on the point raised by Mr. Bourgeois as to whether the meetings of the Body of Delegates should be periodical or permanent, Article I was adopted, subject to the omission of

the words "Representing the States more immediately concerned in the matters under discussion."

#### ARTICLE 2.

The following amendments, proposed by Lord Robert Cecil, were adopted:—

In the second paragraph for the words from "Not more than two representatives" down to the end of the third paragraph, substitute the words "The Ambassadors or Ministers of the High Contracting Parties at \_\_\_\_\_, unless other representatives are specially appointed for this purpose."

After the words "Body of Delegates" in the fourth paragraph, insert in each case the words "Or the Executive Council."

In the same paragraph for the words "Those present," substitute the words "The States represented."

On the motion of President Wilson, the words "At stated intervals and" were added after the word "held" in the first line of the Article.

Before proceeding to the consideration of Article 3, Lord Robert Cecil asked that the question of the representation of the British Dominions should be reserved for subsequent discussion.

#### ARTICLE 3.

A prolonged discussion took place regarding the representation of Powers other than the Great Powers on the Executive Council of the League.

Mr. Pessoa said that, according to Article 3, the Five Great Powers would have permanent representatives on the Executive Council, whereas the other Powers would be represented on it only when their interests were directly affected. But seeing that, in this case, the small Powers interested would not be able to take part in the deliberations—as being parties to the dispute—it followed that all decisions would be taken by the Great Powers. The Council would be, therefore, not an organ of the "League of Nations" but an organ of "Five Nations," a kind of tribunal to which everyone would be subject. The original scheme was more liberal. It gave all the Powers permanent representatives, and he did not see why this principle was abandoned.

Mr. Hymans, Mr. Vesnitch, Mr. Koo, and Mr. Reis also emphasised the claims of the smaller Powers to adequate representation on the Council, and these claims were endorsed by Mr. Bourgeois and Mr. Orlando.

Lord Robert Cecil doubted the advisability of enlarging the membership of the Executive Council, but proposed that, as the consensus of opinion on the Commission was against him, the discussion

should be adjourned until the next meeting, when a new draft of Article 3 could be presented for the consideration of the Commission.

The text of the Preamble and of Articles 1 and 2, as adopted, is contained in the Annex.

*(The Commission accordingly adjourned, the next meeting being fixed for the following evening at 8.30 P.M.)*

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*Annex to Minutes of Second Meeting.*

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DRAFT AS PROVISIONALLY APPROVED.

COVENANT.

*Preamble.*

In order to promote international co-operation and to secure international peace and security by the acceptance of obligations not to resort to the use of armed force, by the prescription of open, just, and honourable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another, the Powers signatory to this Covenant adopt this constitution of the League of Nations.

ARTICLE 1.

The action of the High Contracting Parties under the terms of this Covenant shall be effected through the instrumentality of meetings of Delegates representing the High Contracting Parties, of meetings at more frequent intervals of an Executive Council, and of a permanent international Secretariat to be established at the Capital<sup>1</sup> of the League.

ARTICLE 2.

Meetings of the Body of Delegates shall be held at stated intervals and from time to time as occasion may require for the purpose of dealing with matters within the sphere of action of the League. Meetings of the Body of Delegates shall be held at the Capital<sup>1</sup> of the League or at such other place as may be found convenient, and shall consist of the Ambassadors or Ministers of the High Contracting Parties at \_\_\_\_\_, unless other representatives are specially appointed for this purpose.

<sup>1</sup> Changed to "Seat" at the Third Meeting.

All matters of procedure at meetings of the Body of Delegates or [the] Executive Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Body of Delegates or the Executive Council and may be decided by a majority of the States represented at the meeting.<sup>1</sup>

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THIRD MEETING, FEBRUARY 5, 1919, AT 8.30 P.M.

President WILSON *in the Chair.*

Present:

|                                |   |   |   |                             |
|--------------------------------|---|---|---|-----------------------------|
| President Wilson               | . | . | . | } United States of America. |
| Colonel House                  | . | . | . |                             |
| Lord Robert Cecil              | . | . | . |                             |
| Lieutenant General J. C. Smuts | . | . | . | } British Empire.           |
| Mr. Léon Bourgeois             | . | . | . |                             |
| Mr. Larnaude                   | . | . | . | } France.                   |
| Mr. Orlando                    | . | . | . |                             |
| Senator Scialoja               | . | . | . | } Italy.                    |
| Baron Makino                   | . | . | . |                             |
| Viscount Chinda                | . | . | . | } Japan.                    |
| Mr. Hymans                     | . | . | . |                             |
| Mr. Epitacio Pessoa            | . | . | . | } Brazil.                   |
| Mr. V. K. Wellington Koo       | . | . | . |                             |
| Mr. Jayme Batalha Reis         | . | . | . | } Portugal.                 |
| Mr. Vesnitch                   | . | . | . |                             |
|                                | . | . | . | } Serbia.                   |
|                                | . | . | . |                             |

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President Wilson reported that, pursuant to the decision of the Commission and of the Conference at the Quai D'Orsay, he would invite the representatives of Greece, Poland, Roumania, and the Czecho-Slovak Republic, to associate themselves with the Commission.

The Commission continued their discussion of the Covenant.

Mr. Orlando moved the adoption of the redraft of Article 3.

Discussion centred upon the question of the number of representatives to be accorded in the Executive Committee to Powers other than the United States of America, Great Britain, France, Italy, and Japan.

Mr. Hymans proposed five Delegates, in order that these Powers might be represented on an equality with the first.

Mr. Vesnitch proposed four Delegates, and in this he was supported by Mr. Bourgeois.

<sup>1</sup> This paragraph transferred to Article 3 at Third Meeting.

Mr. Pessoa accepted in principle Mr. Hymans' proposition, but preferred Mr. Vesnitch's proposal as to the selection of the Delegates. He did not see why the Great Powers should choose their own representatives, while those of the small Powers were chosen by the Assembly.

Upon a motion by Lord R. Cecil, the redraft of this Article was adopted, with the exception of the specific figure of their representation, on the understanding that the Commission would determine this later.

The Article so adopted included the last paragraph of Article 2, from which it was therefore omitted.

Upon the motion of Mr. Bourgeois, it was agreed to adopt the word "seat" instead of "capital" in this Article and throughout the draft.

President Wilson expressed his thanks to the Commission for the provision of the last paragraph, that the first meeting of the General Assembly and the Executive Committee should be summoned by the President of the United States; making the observation, however, that this suggestion did not emanate from the United States Delegation.

#### ARTICLE 4.

This Article was adopted with the following amendment:—

In the first paragraph, for the words "by whom they shall be appointed" substitute the words "chosen by the Executive Council, by whom they shall be appointed, subject to confirmation by the Executive Council."

Further verbal amendment was made:—

Strike out the word after "members" in the third paragraph of the Article and insert "of the Universal Postal Union of the expenses of the International Bureau of the Universal Postal Union."

Mr. Hymans voiced the desire of the Belgian Government and of a large number of Belgian organisations that Brussels should be the Seat of the League.

President Wilson stated that the Commission had listened to this proposal with sympathy, but that a decision on the subject would be taken later.

#### ARTICLE 5.

This Article was adopted without discussion.

#### ARTICLE 6.

President Wilson proposed the following amendment:—

To add at the beginning of the second paragraph the words "Only self-governing States shall be admitted to membership in the League;

Colonies enjoying full powers of self-government may be admitted; but no State, &c.," the rest of the paragraph remaining the same.

Mr. Bourgeois stated that the only condition of admission provided for in the present text was a vote of two-thirds of the Body of Delegates without taking into consideration the moral conditions set forth in President Wilson's first draft. To his mind these conditions, which were mentioned in the French and Italian drafts, had reference to the reparations to be required from Germany before admitting her into the League.

Lord Robert Cecil proposed the following amendment:—

In the second paragraph to substitute after the word "Delegates" the words "and by a like majority the League may impose on any States seeking admission such conditions as it may think fit."

Lord Robert Cecil emphasised the special position of India.

As regards the conditions as to their form of government to be required from the States which shall subsequently be admitted to the League, Mr. Bourgeois stated, by way of example, the form of the French draft, which contained the following definition: "Nations having representative institutions of such nature that they may be considered as themselves responsible for the acts of their government."

It was agreed that the question of a definitive formula on this point should be further considered.

With this exception the wording of Article 6 was held to be provisionally adopted, retaining the amendment proposed by President Wilson, as above set forth.

Lord Robert Cecil declared that he accepted this decision on the understanding that, as a matter of fact, India would in any case be included in the League by virtue of the signature of the Covenant by the representatives of the British Empire, and in view of the hope expressed by President Wilson that India would be a member of the League.

A Secretariat composed of Lord Eustace Percy, Baron Clauzel, Signor Ricci Busatti, and Mr. Shepardson, was named to draft *procès-verbaux*.

The text of Articles 3-6 of the draft, as adopted by the third meeting of the Commission, is contained in the Annex.

(*The Commission adjourned until the next evening, 6th February, at 8.30.*)

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*Annex to Minutes of Third Meeting.*

ARTICLE 3.

The Executive Council shall consist of the representatives of the United States of America, the British Empire, France, Italy, and

Japan, together with representatives of the other States, members of the League, appointed by the Body of Delegates on such principles and in such manner as they think fit. Pending the appointment of these representatives of the other States, representatives of \_\_\_\_\_ and \_\_\_\_\_ shall be members of the Executive Council.

Meetings of the Council shall be held from time to time as occasion may require, and at least once a year at whatever place may be decided on or, failing any such decision, at the Seat of the League, and any matter within the sphere of action of the League or affecting the peace of the world may be dealt with at such meetings.

Invitations shall be sent to any Power to attend a meeting of the Council at which matters directly affecting its interests are to be discussed and no decision taken at any meeting will be binding on such Power unless so invited.

All matters of procedure at meetings of the Body of Delegates or the Executive Council including the appointment of Committees to investigate particular matters shall be regulated by the Body of Delegates or the Executive Council, and may be decided by a majority of the States represented at the meeting.

The first meeting of the Body of Delegates and of the Executive Council shall be summoned by the President of the United States of America.

#### ARTICLE 4.

The permanent Secretariat of the League shall be established at \_\_\_\_\_ which shall constitute the Seat of the League. The Secretariat shall comprise such secretaries and staff as may be required, under the general direction and control of a Chancellor of the League, chosen by the Executive Council, by whom they shall be appointed, subject to confirmation by the Executive Council.

The Chancellor shall act as Secretary at all meetings of the Body of Delegates, or of the Executive Council.

The expenses of the Secretariat shall be borne by the States members of the League in accordance with the distribution among members of the Universal Postal Union of the expenses of the International Bureau of the Universal Postal Union.

#### ARTICLE 5.

Representatives of the High Contracting Parties and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities, and the buildings occupied by the League, or its officials, or by representatives attending its meetings shall enjoy the benefits of extraterritoriality.

## ARTICLE 6.

Admission to the League of States who are not signatories of this Covenant requires the assent of not less than two-thirds of the Body of Delegates.

Only self-governing States shall be admitted to membership in the League; Colonies enjoying full powers of self-government may be admitted; but no State shall be admitted to the League except on condition that its military and naval forces and armaments shall conform to standards prescribed by the League in respect of it from time to time.

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FOURTH MEETING, FEBRUARY 6, 1919, AT 8.30 P.M.

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President WILSON *in the Chair.*

Present:

|                                |   |   |   |   |                           |
|--------------------------------|---|---|---|---|---------------------------|
| President Wilson               | . | . | . | } | United States of America. |
| Colonel House                  | . | . | . |   |                           |
| Lord Robert Cecil              | . | . | . | } | British Empire.           |
| Lieutenant General J. C. Smuts | . | . | . |   |                           |
| Mr. Léon Bourgeois             | . | . | . | } | France.                   |
| Mr. Larnaude                   | . | . | . |   |                           |
| Mr. Orlando                    | . | . | . | } | Italy.                    |
| Senator Scialoja               | . | . | . |   |                           |
| Baron Makino                   | . | . | . | } | Japan.                    |
| Viscount Chinda                | . | . | . |   |                           |
| Mr. Hymans                     | . | . | . | . | Belgium.                  |
| Mr. Epitacio Pessoa            | . | . | . | . | Brazil.                   |
| Mr. V. K. Wellington Koo       | . | . | . | . | China.                    |
| Mr. Jayme Batalha Reis         | . | . | . | . | Portugal.                 |
| Mr. Vesnitch                   | . | . | . | . | Serbia.                   |

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Mr. Veniselos, Mr. Dmowski, Mr. Diamandy, and Mr. Kramar, representing Greece, Poland, Roumania, and the Czecho-Slovak Republic respectively took their seats as members of the Commission, in accordance with the desire expressed by the meeting of Powers with special interests held on January 27, 1919.

Before proceeding to a consideration of Article 7 the Commission was reminded by Mr. Bourgeois that he had reserved the right to return later to the question of further amendments to Article 6, in regard to the conditions to be fulfilled by States seeking admission to the League.

## ARTICLE 7.

Lord Robert Cecil proposed the omission of the words "and preserve as against external aggression."

Mr. Larnaude proposed to abbreviate the Article as follows: "The High Contracting Parties undertake to respect and preserve as against all external aggression the States members of the League."

After prolonged discussion he proposed a new drafting as follows: "The High Contracting Parties undertake mutually to respect and preserve against all aggression the States members of the League, according to the provisions of the following Article." (Article 8.)

President Wilson then proposed the following amendment to the original Article: "In case of any such aggression the Executive Council shall advise the plan and the means by which this obligation shall be fulfilled."

President Wilson's amendment was adopted.

It was agreed to postpone the consideration of Lord Robert Cecil's suggestion to insert a provision for the periodical revision of international obligations.

## ARTICLE 8.

Mr. Bourgeois pointed out the inability of France to agree to the abolition of compulsory military service, which appeared to France to be a fundamental issue of democracy, and was a corollary of universal suffrage.

After remarks by Mr. Orlando and Mr. Larnaude, President Wilson proposed to delete the last clause of the first paragraph relative to the possibility of abolishing compulsory military service and to substitute for it the following: "The Executive Council shall also determine for the consideration and action of the several Governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Body of Delegates."

This amendment was adopted.

Upon the proposal of President Wilson, which was likewise accepted, the last paragraph of this Article was changed as follows: "The High Contracting Parties further agree that munitions and implements of war should not be manufactured by private enterprise, and direct the Executive Council to advise how this practice can be dispensed with; and further agree that there shall be full and frank publicity as to all national armaments and military or naval programmes."

Baron Makino proposed that in the first clause of this Article, in the third line, the words "national safety" should be substituted for the words "domestic safety."

This suggestion was adopted.

Article 8, as amended, was adopted.

#### ARTICLE 9.

This Article was adopted without amendment.

#### ARTICLE 10.

Mr. Bourgeois pointed out that situations might arise in which the responsibilities of the members of the League under this Article might be doubtful as the draft now stood. A note was taken of this point for further consideration. The question raised by this observation would be considered more carefully in a discussion of Article 13.

Mr. Orlando observed that a good deal of the strength of the project was contained in this Article, inasmuch as the League of Nations should above all else be supported by public opinion. Intentionally moderate as it might be, he approved of the draft, reserving the right in connection with the discussion of Article 13 to suggest such amendments as might be advisable.

Lord Robert Cecil pointed out that no time limit was provided for within which an award of arbitration or recommendation of the Executive Council must be made. It was agreed that the Secretaries should be instructed to draft an amendment stipulating, in the case of arbitration, an award within a reasonable period, and in the case of consideration by the Executive Council, a recommendation within six months.

#### ARTICLE 11.

This Article was considered as closely connected with Article 10.

Lord Robert Cecil proposed the following new paragraph as an amendment:

“For this purpose the court of arbitration to which the case is referred shall be the court agreed on by the parties, or stipulated in any Convention existing between them.”

This amendment was accepted.

#### ARTICLE 12.

President Wilson's proposal to substitute the word “shall” for the word “will” throughout the Article was adopted; likewise the addition of the words “when established” after the second “shall.”

Mr. Bourgeois made note of the fact that the draft made no mention of the Permanent Court of Arbitration at The Hague, established at the Conference of 1907 with the joint approval of all

the delegates of the countries represented on the Commission. He reminded the Commission of the services rendered by bodies established at The Hague, notably the Commission of Inquiry at Hull in the Doggerbank incident, and the arbitration in the Casablanca, Carthage, and Manouba incidents.

Mr. Batalha Reis expressed his entire agreement with Mr. Bourgeois' observations.

Note was made of this observation.

President Wilson added that unquestionably, in the creation of a permanent court of international justice, consideration would be given to the existence of and the services rendered by the Permanent Court of Arbitration at The Hague.

A provisional agreement having been reached upon the draft of these last three articles the Commission decided to take up at its next session the consideration of the next succeeding articles.

The text of Articles 7-12, as provisionally adopted, is given in the annex.

*(The Commission adjourned until 8:30 P.M. on the following evening.)*

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#### *Annex to Minutes of Fourth Meeting.*

##### ARTICLE 7.

The High Contracting Parties undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the League. In case of any such aggression, the Executive Council shall advise the plan and the means by which this obligation shall be fulfilled.

##### ARTICLE 8.

The High Contracting Parties recognise the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations; and the Executive Council shall formulate plans for effecting such reduction. The Executive Council shall also determine for the consideration and action of the several governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Body of Delegates.

The High Contracting Parties further agree that munitions and implements of war should not be manufactured by private enter-

prise, and direct the Executive Council to advise how this practice can be dispensed with; and further agree that there shall be full and frank publicity as to all national armaments and military or naval programmes.

#### ARTICLE 9.

Any war or threat of war, whether immediately affecting any of the High Contracting Parties or not, is hereby declared a matter of concern to the League, and the High Contracting Parties reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the High Contracting Parties to draw the attention of the Body of Delegates or of the Executive Council to any circumstances anywhere which threaten to disturb international peace or the good understanding between nations upon which peace depends.

#### ARTICLE 10.

The High Contracting Parties agree that, should disputes arise between them which cannot be adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council, and until three months after the award by the arbitrators or a recommendation by the Executive Council; and that they will not even then resort to armed force as against a member of the League which complies with the award of the arbitrators or the recommendation of the Executive Council.

#### ARTICLE 11.

The High Contracting Parties agree that whenever any dispute or difficulty shall arise between them which they recognise to be suitable for submission to arbitration, and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration, and will carry out in full good faith any award or decision that may be rendered.

For this purpose the Court of arbitration to which the case is referred shall be the Court agreed on by the parties or stipulated in any Convention existing between them.

#### ARTICLE 12.

The Executive Council shall formulate plans for the establishment of a Permanent Court of International Justice, and this Court shall, when established, be competent to hear and determine any

matter which the parties recognise as suitable for submission to it for arbitration under the foregoing article.

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FIFTH MEETING, FEBRUARY 7, 1919, AT 8:30 P.M.

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President WILSON *in the Chair.*

Present :

|  |   |                           |
|--|---|---------------------------|
| President Wilson . . . . .               | } | United States of America. |
| Colonel House . . . . .                  | } |                           |
| Lord Robert Cecil . . . . .              | } | British Empire.           |
| Lieutenant General J. C. Smuts . . . . . | } |                           |
| Mr. Léon Bourgeois . . . . .             | } | France.                   |
| Mr. Larnaude . . . . .                   | } |                           |
| Mr. Orlando . . . . .                    | } | Italy.                    |
| Senator Scialoja . . . . .               | } |                           |
| Baron Makino . . . . .                   | } | Japan.                    |
| Viscount Chinda . . . . .                | } |                           |
| Mr. Hymans . . . . .                     | . | Belgium.                  |
| Mr. Epitacio Pessoa . . . . .            | . | Brazil.                   |
| Mr. V. K. Wellington Koo . . . . .       | . | China.                    |
| Mr. Veniselos . . . . .                  | . | Greece.                   |
| Mr. Dmowski . . . . .                    | . | Poland.                   |
| Mr. Jayme Batalha Reis . . . . .         | . | Portugal.                 |
| Mr. Diamandy . . . . .                   | . | Roumania.                 |
| Mr. Vesnitch . . . . .                   | . | Serbia.                   |
| Mr. Kramar . . . . .                     | . | Czecho-Slovak Republic.   |

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The Commission proceeded to the consideration of Article 13.

The following two amendments to the Article were adopted.

On the motion of Mr. Vesnitch, after the word "Chancellor" in the seventh line were inserted the words "as promptly as possible."

On the motion of Lord Robert Cecil, at the end of the first paragraph were inserted the words "and the Executive Council may forthwith direct the publication thereof."

Following a remark by Senator Scialoja concerning the exercise of this right, it was understood that the Council should decide what documents, if any, were to be published, without affecting the right of the parties to publish whatever documents they themselves might think pertinent to the dispute.

Upon the motion of President Wilson, the words "and the privilege of the minority" were added after the words "the duty of the majority."

Mr. Hymans then proposed the following amendments:

For the words in the second paragraph "if the report is unanimously agreed to by the members" substitute the words "if the report is agreed to by the majority of the members," and for the last sentence of the paragraph substitute the words "if the report is unanimously agreed to by the members of the Council other than the parties to the dispute, the High Contracting Parties agree that they will carry out in full good faith the decision that has been rendered."

These proposals were discussed at length. Mr. Hymans' view was supported by the French delegates and by Mr. Vesnitch, but Lord Robert Cecil raised doubts as to the desirability of giving mandatory effect to the decisions of a majority of the Council, and President Wilson shared these doubts. Mr. Veniselos in agreement with Mr. Bourgeois urged that as regards the second amendment proposed by Mr. Hymans the Council should have some right to secure the satisfaction of the claims of the injured party to a dispute in cases where the Council had unanimously reported in favour of those claims. He also suggested that as regards the first amendment proposed by Mr. Hymans some mandatory effect might safely be given to the decisions of a large majority of the Council, for instance, a majority of four out of the five Great Powers and three out of four small Powers, assuming that representatives of four small Powers are included in the Council. Finally, Mr. Veniselos pointed out that some time limit should be put to the right of either party to a dispute to refer the dispute from the Council to the Body of Delegates, and this point was generally agreed to by the Commission.

It was finally decided that a Sub-Committee consisting of Mr. Hymans, Mr. Bourgeois, Lord Robert Cecil, and Mr. Veniselos should undertake the drafting of amendments to the Article in the sense of the Commission's discussion.

Article 13 was therefore passed by for the time being on the understanding that the main principles embodied in it were agreed to.

#### ARTICLE 14.

On the motion of Lord Robert Cecil the words at the beginning, "be found by the League to have broken or disregarded," were altered to "break or disregard."

On the motion of President Wilson it was agreed to strike out the words "which shall immediately subject it," and insert instead the words "which hereby undertake immediately to subject it."

Mr. Hymans raised the point whether Articles 7, 11, and 13 should not be added to Article 10 in the second line of this Article,

in order that the sanctions provided in this Article might operate equally in respect of the situations contemplated in Articles 7, 10, 11, and 13.

After discussion, it was generally agreed that a reference to Article 7 might be ambiguous, and that it was not really necessary to provide a sanction, especially by such summary procedure as that provided for in Article 14, to enforce the agreement embodied in Article 11. It was thought, however, that some sanction might perhaps be provided in the case of a unanimous report by the Executive Council under Article 13, and this question was likewise referred to the Sub-Committee above mentioned.

Subject to the above amendments, Article 14 was provisionally passed.

#### ARTICLE 15.

Lord Robert Cecil proposed to insert after the words "*ad hoc* members of the League" the words "upon such conditions as the Executive Council may deem just."

This amendment was adopted.

Mr. Orlando pointed out that the words "become *ad hoc* members of the League," were not really accurate, and in this he was supported by the French delegates. It was therefore agreed to refer this passage in the Article to the Sub-Committee above mentioned, who should be asked to recommend another expression.

With this exception, no objection was raised to the draft of Article 15, which was therefore considered provisionally adopted subject to reconsideration in connection with the recommendations of the Sub-Committee.

In regard to the general scope of these three articles, Mr. Bourgeois expressed the hope that a clearer statement might be made of the cases in which the sanctions of the League would be applied, as he did not consider that the wording of Articles 10, 13, and 14 when taken together were sufficiently explicit.

(*The Commission adjourned until 10:30 A.M. on the following day.*)

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#### *Annex to Minutes of Fifth Meeting.*

#### ARTICLE 14.

Should any of the High Contracting Parties break or disregard its covenants under Article 10, it shall thereby *ipso facto* be deemed to have committed an act of war against all the other members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all

intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention, so far as possible, of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the League or not.

It shall be the duty of the Executive Council in such a case to recommend what effective military or naval force the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The High Contracting Parties agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will afford passage through their territory to the forces of any of the High Contracting Parties who are co-operating to protect the covenants of the League.

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#### SIXTH MEETING, 8TH FEBRUARY, 1919, AT 10:30 A.M.

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President WILSON *in the Chair.*

#### Present :

|                                |   |   |   |                             |
|--------------------------------|---|---|---|-----------------------------|
| President Wilson               | . | . | . | } United States of America. |
| Colonel House                  | . | . | . |                             |
| Lord Robert Cecil              | . | . | . | } British Empire.           |
| Lieutenant General J. C. Smuts | . | . | . |                             |
| Mr. Léon Bourgeois             | . | . | . | } France.                   |
| Mr. Larnaude                   | . | . | . |                             |
| Mr. Orlando                    | . | . | . | } Italy.                    |
| Senator Scialoja               | . | . | . |                             |
| Baron Makino                   | . | . | . | } Japan.                    |
| Viscount Chinda                | . | . | . |                             |
| Mr. Hymans                     | . | . | . | Belgium.                    |
| Mr. Epitacio Pessoa            | . | . | . | Brazil.                     |
| Mr. V. K. Wellington Koo       | . | . | . | China.                      |
| Mr. Veniselos                  | . | . | . | Greece.                     |
| Mr. Dmowski                    | . | . | . | Poland.                     |
| Mr. Jayme Batalha Reis         | . | . | . | Portugal.                   |
| Mr. Diamandy                   | . | . | . | Roumania.                   |
| Mr. Vesnitch                   | . | . | . | Serbia.                     |
| Mr. Kramar                     | . | . | . | Czecho-Slovak Republic.     |

## ARTICLE 16.

Lord Robert Cecil proposed to add the words "as hereinafter provided," but at the request of President Wilson he withdrew this amendment, and the article was adopted without modification.

## ARTICLE 17.

General Smuts presented an amendment (Annex 1).

Mr. Orlando feared that the new draft proposed by the British Delegation might infringe on the sphere of the Conference by defining too closely the territories to which the principle under discussion should be applied. The list of these territories was, moreover, necessarily incomplete. The American draft, on the contrary, while fixing the scope of the activities of the League of Nations in regard to the administration of territories, did not prejudice the application of the principle in particular cases, and this appeared to him preferable.

President Wilson replied to this objection that General Smuts' text was based upon a decision of the Conference of the five Powers.

Mr. Bourgeois associated himself with President Wilson's remarks, but agreed with Mr. Orlando that it would be preferable to lay down principles without entering into too great detail. He emphasised the moral aspect of the functions which would be discharged by the League of Nations, which should neither be a Super-State nor an additional State created among other States. He added that since the League of Nations was not yet constituted, it appeared to him essential to solve political difficulties in the first instance before determining the part which the League should play. It appeared, therefore, that two successive steps were necessary: (1) the regulation of the problem by international conventions, as, for instance, by a revision of the Act of Berlin, and (2) by handing over to the League of Nations the territories over which it was to exercise its tutelage. Mr. Bourgeois therefore presented an amendment to Article 17 (Annex 2).

Lord Robert Cecil and President Wilson defended the British draft.

President Wilson admitted, however, that in order to meet the objections which had been raised at the beginning of the discussion, the list of territories contained in the first paragraph of the first article of the British amendment might be struck out or preceded by the words "such as" in order to emphasise the fact that this list was not exhaustive.

The Conference agreed to strike out the list.

President Wilson proposed a new paragraph (Annex 3) with the object of extending the scope of the article to certain territories which had been part of the Russian Empire.

Mr. Batalha Reis and Mr. Hymans reserved their opinion for the present. They both specially pointed out the consequences which might follow in the future from too broad a wording.

Mr. Larnaude pointed out that it would be preferable not to place in the same category backward countries like certain African colonies and countries which have a very ancient and very complete civilization, but which have been oppressed by foreign domination.

Mr. Vesnitch proposed an amendment intended to facilitate the complete emancipation of these peoples and their admission into the League of Nations.

Lord Robert Cecil asked Mr. Vesnitch not to insist on his proposal, for reasons of expediency.

Mr. Diamandy supported Mr. Hymans' and Mr. Batalha Reis' observations.

Mr. Veniselos enlarged upon the necessity of leaving no doubt as to the future of the unredeemed Greek territories.

After an exchange of views with Baron Makino, it was agreed to strike out the word "if" in the English text of the last paragraph of sub-article (b).

President Wilson summed up the discussion. The matter was then referred to the Drafting Committee, which it was arranged should meet on the following day, at 2:30 at the Hotel Majestic and receive the observations of all members of the Commission interested in the question.

#### ARTICLE 18.

Lord Robert Cecil read an amendment providing for the creation of a permanent Conference and Labour Office (Annex 4). After a brief discussion the amendment was adopted, subject to the modification of the second part of the amendment as follows:

"And to that end agree to establish as part of the organisation of the League a permanent Labour Commission."

President Wilson suggested the addition of the words "for men, women, and children," after the words "fair and humane conditions of labour." This addition was adopted.

#### ARTICLE 19.

Lord Robert Cecil proposed to amend the wording of the draft (Annex 5). President Wilson explained that the motive of this article was the desire to prevent religious persecutions or wars in the future. Mr. Hymans feared that the word "intolerance" might be taken advantage of, and that it might be used to justify appeals to the League of Nations to give judgment on complaints by political parties against governments. Mr. Batalha Reis pointed out that whenever a State religion is disestablished its adherents consider

themselves as persecuted. Mr. Orlando stated that great care would have to be exercised in the wording of such an article, in order to avoid conflict with the constitution of certain States. Mr. Bourgeois called attention to the fact that the cases foreseen in the Article under discussion had already been provided for in Article 9, in which internal troubles which threatened peace were mentioned.

After some remarks by Mr. Batalha Reis and Mr. Veniselos, who made the point that the measures contemplated in Article 9 should, of course, be decided unanimously, the question was referred to the Drafting Committee.

The text of Articles 16 and 18, as adopted by the Commission, is contained in Annexes 6 and 7 respectively.

*(The Commission adjourned at 1:15. The next Meeting was fixed for Monday, February 10, at 10:30 A.M., in order to discuss the work of the Drafting Committee).*

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*Annex 1 to Minutes of Sixth Meeting.*

ARTICLE 17.

Substitute the following text:

(a.) To the colonies, formerly part of the German Empire, and to those territories formerly belonging to Turkey, which include Armenia, Kurdistan, Syria, Mesopotamia, Palestine, and Arabia, which are inhabited by peoples not able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation, and that securities for the performance of this trust should be embodied in the constitution of the League.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations, who, by reason of their resources, their experience, or their geographical position, can best undertake this responsibility, and that this tutelage should be exercised by them as mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances.

(b.) Certain communities, formerly belonging to the Turkish Empire, have reached a stage of development where their existence as independent nations can be provisionally recognised, subject to the rendering of administrative advice and assistance by a mandatory Power, until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory Power.

Other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory, subject to conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses, such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases, and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other members of the League.

There are territories, such as South-West Africa and certain of the islands in the South Pacific, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the mandatory State, and other circumstances, can be best administered under the laws of the mandatory State as if integral portions thereof, subject to the safeguards above mentioned in the interests of the indigenous population.

(c.) In every case of mandate, the mandatory State shall render to the League an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory State shall, if not previously agreed upon by the High Contracting Parties, in each case be explicitly defined by the Executive Council in a special Act or Charter.

The High Contracting Parties further agree to establish at the Seat of the League a Mandatory Commission to receive and examine the annual reports of the Mandatory Powers, and to assist the League in ensuring the observance of the terms of all Mandates.

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*Annex 2 to Minutes of Sixth Meeting.*

Substitute the following text:

In conformity with the decisions of the Conference of the Allies the League of Nations regards itself as invested with the moral tutelage of those populations referred to in the Treaty of Peace which have not yet reached the stage of complete development.

The character of this tutelage must differ according to the stage of the development of the peoples, the geographical situation of the territory, its economic conditions, and other similar circumstances.

The conditions and the limits of such tutelage shall be determined by international conventions. The Council of the League of Nations shall indicate the need of new conventions if it deems them necessary to ensure the well-being and development of the populations concerned.

*Annex 3 to Minutes of Sixth Meeting.*

The provisions of this article can also be applied in respect of other peoples and territories, which are not otherwise disposed of in the Treaty of Peace, of which this Covenant forms a part, or are not definitely constituted as autonomous States.

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*Annex 4 to Minutes of Sixth Meeting.*

## ARTICLE 18.

Substitute the following text:

The High Contracting Parties will endeavour to secure and maintain fair and humane conditions of labour, both in their own countries and in all countries to which their commercial and industrial relations extend; and to that end agree to establish as part of the organisation of the League a permanent Conference and Labour office, in accordance with the provisions of the Convention annexed hereto, and to adopt and be bound by all other provisions contained therein.

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*Annex 5 to Minutes of Sixth Meeting.*

## ARTICLE 19.

Substitute the following text:

Recognising religious persecution and intolerance as fertile sources of war, the High Contracting Parties agree that political unrest arising therefrom is a matter of concern to the League, and authorise the Executive Council, wherever it is of opinion that the peace of the world is threatened by the illiberal action of the Government of any State towards the adherents of any particular creed, religion, or belief, to make such representations or take such other steps as will put an end to the evil in question.

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*Annex 6 to Minutes of Sixth Meeting.*

## ARTICLE 16.

The High Contracting Parties entrust to the League the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest.

*Annex 7 to Minutes of Sixth Meeting.*

## ARTICLE 18.

The High Contracting Parties will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend; and to that end agree to establish as part of the organisation of the League a permanent Commission of Labour.

## SEVENTH MEETING, FEBRUARY 10, 1919, AT 10.30 A.M.

President WILSON *in the Chair.*

## Present:

|                                |   |   |   |   |                           |
|--------------------------------|---|---|---|---|---------------------------|
| President Wilson               | . | . | . | } | United States of America. |
| Colonel House                  | . | . | . |   |                           |
| Lord Robert Cecil              | . | . | . | } | British Empire.           |
| Lieutenant-General J. C. Smuts | . | . | . |   |                           |
| Mr. Léon Bourgeois             | . | . | . | } | France.                   |
| Mr. Larnaude                   | . | . | . |   |                           |
| Mr. Orlando                    | . | . | . | } | Italy.                    |
| Senator Scialoja               | . | . | . |   |                           |
| Baron Makino                   | . | . | . | } | Japan.                    |
| Viscount Chinda                | . | . | . |   |                           |
| Mr. Hymans                     | . | . | . | . | Belgium.                  |
| Mr. Epitacio Pessoa            | . | . | . | . | Brazil.                   |
| Mr. V. K. Wellington Koo       | . | . | . | . | China.                    |
| Mr. Veniselos                  | . | . | . | . | Greece.                   |
| Mr. Dmowski                    | . | . | . | . | Poland.                   |
| Mr. Jayme Batalha Reis         | . | . | . | . | Portugal.                 |
| Mr. Diamandy                   | . | . | . | . | Roumania.                 |
| Mr. Vesnitch                   | . | . | . | . | Serbia.                   |
| Mr. Kramar                     | . | . | . | . | Czecho-Slovak Republic.   |

## ARTICLE 20.

President Wilson read Article 20 of the Covenant.

Mr. Hymans observed that Belgium was a free-trade country, whose economic position at the present moment was most serious.

She would be gravely threatened by "dumping" at the hands of the Germans; and, during the whole reconstruction period, she would in all probability have to ask for favoured treatment from her Allies.

President Wilson remarked that Germany would not be a member of the League during this period; and that he inclined to the idea of preferential rights for Belgium.

Mr. Larnaude made a similar claim for France; and Lord Robert Cecil expressed himself as favouring some special system during the reconstruction period.

Mr. Larnaude: Until the debts of war are liquidated, it would be contrary to the principles set forth in President Wilson's Fourteen Points if the nations who have suffered from the war should not be indemnified.

Mr. Orlando: There are two matters to consider: first, the question of the principles involved in Article 20, with which everyone appears to agree; second, the proposal of Messrs. Hymans and Larnaude, which has reference to the present period, and which looks toward a special system for the period.

Mr. Larnaude: There is a separate Commission now considering these matters of reparation and reconstruction, and we cannot here come to any decisions, which run the risk of conflicting with the conclusions of this Commission.

President Wilson remarked that the Covenant would form an integral part of the Treaty of Peace; but that there would be other arrangements, which would deal with the reconstruction of devastated countries.

Mr. Hymans: The Commission on Reparation and Damages is reckoning the indemnities to be required from Germany; but, in order to retrieve her lost wealth, Belgium will have to enter into relations with various Allied Powers in order to build up close commercial connections. Belgium has lost her market and her factories, and will have to protect herself by special measures during the period of transition. The word "equitable," which is proposed, does not perhaps sufficiently take this necessity into account.

But Mr. Hymans supported the idea of laying down a lasting principle, at the same time adding a temporary modification of that principle.

Mr. Larnaude could not subscribe to the compromise suggested by Mr. Hymans. He opposed the very idea of it. The plan of a Covenant was the outcome of the war, and of the condition of distress created in Poland, Belgium, and many other countries by Germany. So long as this situation remained unrelieved, we could not talk of "equitable" commerce; the word would not be understood. Throughout a period of uncertain length, it would be just to ask that we be permitted to take restrictive precautions, which would protect us from the invasion of enemy goods.

Mr. Bourgeois, reverting to Mr. Orlando's view, said that everyone was fundamentally in agreement; but that it was necessary for it to be clearly understood that the general principle would not govern during the reconstruction period, when a succession of measures would be necessary in order to regain economic life.

Mr. Batalha Reis pointed out that although Portugal had not been devastated by the war, she had nevertheless suffered severe economic loss. He therefore considered his country entitled to the benefits of any special arrangements which might be made in pursuance of Article 21. He further desired that the interpretation given by the Commission to the word "equitable" should be placed on record in the Minutes.

President Wilson proposed to take the foregoing views into account by adding the following words:—

"Having in mind, among other things, special arrangements with regard to the necessities of the regions devastated during the war of 1914-1918."

This article was thereupon adopted as amended.

#### ARTICLE 21.

After reading the article, President Wilson proposed to add the following words:—

"And that no treaty or international engagement shall be operative until so registered."

On the motion of Mr. Vesnitch, the words "by a State member" were substituted for the words "between State members."

In the course of the discussion it was agreed that this article referred only to new treaties.

It was agreed that the word "any" in the English text should be changed to "every."

Subject to the two amendments and the verbal change noted above, the article was adopted.

#### ARTICLE 22.

Mr. Larnaude: This article contains a clause in which the idea of abrogation is implicit; in other words, whatever is inconsistent with this text is abrogated. What authority will pass upon the question of inconsistency? Some Tribunal? The Executive Council? In private law it rests with tribunals to make the decision.

President Wilson: It is probably impossible to fix in advance the authority which should decide this question. If a nation finds itself embarrassed by a treaty, it is possible for it at any time to carry the question to the League. The sanctions of this principle lie in public opinion. If the treaty is discovered to conflict with the general principles laid down in the Covenant, it would be morally impossible to sustain such a treaty. Every public declaration constitutes a moral obligation, and the decision of the court of public opinion will be much more effective than that of any tribunal in the world, since it is more powerful and is able to register its effect in the face of technicalities. Frequently the law decides one way and public opinion gives judgment in a manner that is broader and more equitable.

Mr. Larnaud: Doubtless we are all controlled by public opinion, but I am talking of countries where the idea of equality has gone a long way—I mean America and England. Would they give to public opinion power to decide questions regarding their customary law or their written law? There are technical matters, the interpretation of which only a constituted tribunal can decide.

Mr. Orlando: This 22nd Article is very important for it sets a limitation upon the freedom of Governments to enter into engagements. Is it the spirit of the Covenant to admit of alliance between States? Mr. Veniselos has told us that he believes defensive alliances to be admissible, but, as a matter of fact, one never makes an "offensive" alliance. Who will pass upon their nature? A tribunal seems too rigid a body; while, on the other hand, the Executive Council seems admirably qualified to decide the question.

There is also the question of now existing treaties. It might happen that one of the contracting parties applied to the League to be relieved of its obligations thereunder. There ought to be some Power which can decide whether this treaty is in effect. If the article read, "The parties will agree to abrogate the treaty," the difficulty would disappear.

Mr. Batalha Reis: I believe that alliances between any of the members of the League of Nations may, in certain cases, be useless without necessarily becoming inconsistent or incompatible with the existence of the League. On the other hand, some ancient Treaties of Alliance, though formulated in what are now obsolete terms, are of an essentially permanent nature.

President Wilson: Matters which relate to the good faith of nations are extremely delicate; in such a case the only sanction is that of public opinion. The Courts of Justice make their decisions according to the rules of law, and in such a matter as this the moral judgment of peoples is more accurate than proceedings before a tribunal.

Mr. Vesnitch: It may well happen that public opinion will be guided by powerful currents whose direction it is difficult to foresee. Suppose that a small Power were in conflict with a great Power,

public opinion might be influenced by the Great Power through means which would direct it in a way contrary to the interests of the small Power. Public opinion is pliable and fluid and of such a nature that propaganda can mould it. It would appear to me wiser to submit questions under Article 21 to the consideration of the Executive Council of the League of Nations. This committee is really a body composed of all the members of the League, and each nation may be represented in its meetings and have every opportunity to be heard.

Mr. Veniselos: If there is any disagreement upon the interpretation, there is Article 21 which covers the case. If I should make a defensive agreement, I would submit it to the Chancellor of the League, and if he believed it contrary to the laws of the League he would request its consideration by the Executive Council. In this connection Article 9 may be referred to.

Lord Robert Cecil: The Chancellor will lay the treaty before the Executive Council, and it will have the power to decide.

Mr. Hymans: There seems to be a general agreement that defensive alliances are not inconsistent with the principles of the League; but there is one case in which even offensive alliances seem permissible. Where there is a dispute, and where the Council has not given an unanimous decision, each side may make war. In this case, is not one of the parties justified in seeking allies among the nations which share its point of view and wish to support its just claim?

Mr. Orlando expressed the wish that this discussion might be included in the minutes, inasmuch as it gives a restrictive interpretation to Article 21. If this were done, he would accept the text.

Mr. Kramar: Even defensive alliances, as Mr. Orlando interjected, are not in accordance with the idea of the League. A separate alliance cannot be allowed if it is not agreed to by the Executive Council. It might be useful for small nations to conclude a defensive alliance, but it would have to be submitted to the Executive Council and validated by it.

President Wilson: That is the thought of the article,—an alliance shall not be held valid unless it is recorded.

Mr. Bourgeois: The obligation of recording appears adequate so far as new treaties are concerned, but what will be the status of treaties recorded in the past?

President Wilson: It does not rest with us to send a search-warrant into the politics of the past, though it is clear that they have taken a dangerous trend. It rests with the nations themselves to decide whether they wish to be relieved of their imprudent obligations, and to consider whether some of them should not be abrogated. For my part, I would hesitate a long time before visiting myself upon the past. Each nation will wisely and prudently attend to that. Our task is primarily to build for the future.

This article was then adopted.

*Report of the Drafting Committee on Articles 13, 15, 17, and 19.*

President Wilson read the amendments proposed by the Drafting Committee (Annex 1). Those amendments were adopted with the exception of the new draft of Article 19. A discussion followed with regard to this article.

President Wilson proposed to adopt the following substitute for Article 19:—

“The High Contracting Parties agree that they will make no law prohibiting or interfering with the free exercise of religion, and they resolve that they will not permit the practice of any particular creed, religion, or belief, whose practices are not inconsistent with public order or with public morals, to interfere with the life, liberty or pursuit of happiness of their people.”

Mr. Bourgeois: This only confirms the principle laid down in our declaration of the Rights of Man: “No one shall be persecuted because of his opinions or beliefs.” The amendment was adopted.

*Report of the Secretariat on Article 10.*

President Wilson read the amendment submitted by the Secretariat (Annex 2). This amendment was adopted.

*Responsibilities.*

Mr. Larnaudé: The Covenant embraces many things which in the beginning did not seem to be a part of the programme of the League of Nations. One of those things was pointed out by Lord Robert Cecil in his statement reprinted by the “Times” of the 26th February, 1918. According to his view, the League of Nations will be a joke or farce unless at the outset it insists upon the punishment of those responsible for this war.

This is one of the first duties of the Commission on the League of Nations. We must, therefore, decide first of all whether the League of Nations will take upon itself to judge and punish those who have been to blame. If the answer is in the affirmative it will be possible to include in the preamble some reference to this important matter.

It was agreed that the amendments offered by Mr. Vesnitch to Article 11, as well as the amendments presented by Mr. Bourgeois to Articles 6, 8, and 14, should be distributed and considered at the beginning of the next meeting, which would take place on Tuesday morning, the 11th February, at 10:30.

Articles 13, 15, 17, 19, 20, 21, and 22, as adopted, are contained in Annex 3.

*(The Meeting adjourned.)*

*Annex 1 to Minutes of Seventh Meeting.*

## REPORT OF THE DRAFTING COMMITTEE.

## ARTICLE 13.

*Second paragraph, 3rd sentence.*—Substitute the following:—

“If the report is unanimously agreed to by the members of the Council other than the parties to the dispute, the High Contracting Parties agree that none of them will go to war with any party which complies with its recommendations, and that, if any party shall refuse so to comply, the Council shall consider what steps can best be taken to give effect to their recommendation.”

(A similar addition would then be desirable to Article 11 as follows:

“If not, the Executive Council shall consider what steps can best be taken to give effect to the award or the decision.”)

*Third paragraph, 2nd sentence.*—Substitute the following:—

“The dispute shall be so referred at the request of either party to the dispute, provided that such request must be made within fourteen days after the submission of the dispute.”

## ARTICLE 15.

*First paragraph, 3rd line.*—Substitute:—

“ . . . The High Contracting Parties agree that the State or States not members of the League shall be invited to accept the obligations of membership in the League, for the purposes of such dispute, upon such conditions as the Executive Council may deem just.”

## ARTICLE 17.

For the first words of the new draft, substitute:—

“To those colonies and territories which in consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them, and which are inhabited by peoples. . . .”

## ARTICLE 19.

Substitute:—

“Recognising religious persecution as a fertile source of war, the High Contracting Parties solemnly undertake to extirpate such evils from their territories, and they authorise the Executive Council, wherever it is of opinion that the peace of the world is threatened by the existence in any State of evils of this nature, to make such representations or take such other steps as it may consider that the case requires.”

*Annex 2 to Minutes of Seventh Meeting.*

## REPORT OF THE SECRETARIAT.

Add to Article 10 as a new paragraph:—

"In any case under this article, the award of the arbitrators shall be made within a reasonable time, and the recommendation of the Executive Council shall be made within six months after the submission of the dispute."

*Annex 3 to Minutes of Seventh Meeting.*

## ARTICLE 13.

If there should arise between States members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as above, the High Contracting Parties agree that they will refer the matter to the Executive Council; either party to the dispute may give notice to the Chancellor of the existence of the dispute, and the Chancellor will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties agree to communicate to the Chancellor, as promptly as possible, statements of their case with all the relevant facts and papers, and the Executive Council may forthwith direct the publication thereof.

Where the efforts of the Council lead to the settlement of the dispute, a statement shall be prepared for publication indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate. If the dispute has not been settled a report by the Council shall be published, setting forth with all necessary facts and explanations the recommendations which the Council think just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the Council other than the parties to the dispute, the High Contracting Parties agree that none of them will go to war with any party which complies with its recommendations and that, if any party shall refuse to so<sup>1</sup> comply, the Council shall consider what steps can best be taken to give effect to their recommendations.<sup>2</sup> If no such unanimous report can be made, it shall be the duty of the majority and the privilege of the minority to issue a statement indicating what they believe to be the facts and containing the recommendations which they consider to be just and proper.

The Executive Council may in any case under this Article refer the dispute to the Body of Delegates. The dispute shall be so referred at the request of either party to the dispute, provided that such request

<sup>1</sup> Read "so to."

<sup>2</sup> This word is in the singular as reported by the Drafting Committee.

must be made within 14 days after the submission of the dispute. In any case referred to the Body of Delegates all the provisions of this Article relating to the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates.

#### ARTICLE 15.

In the event of disputes between one State member of the League and another State which is not a member of the League, or between States not members of the League, the High Contracting Parties agree that the State or States not members of the League shall be invited to accept the obligations of membership in the League for the purpose of such dispute, upon such conditions as the Executive Council may deem just, and upon acceptance of any such invitation, the above provision shall be applied with such modifications as may be deemed necessary by the League.

Upon such invitation being given the Executive Council shall immediately institute an enquiry into the circumstances and merits of the dispute and recommend such action as may seem best and most effectual in the circumstances.

In the event of a Power so invited refusing to accept the obligations of membership in the League for the purposes of such dispute, and taking any action against a State member of the League which in the case of a State member of the League would constitute a breach of Article 10, the provisions of Article 14 shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Executive Council may take such action and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

#### ARTICLE 17.

To those colonies and territories which in consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation, and that securities for the performance of this trust should be embodied in the constitution of the League.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and that this tutelage should be exercised by them as mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a mandatory Power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory Power.

Other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory subject to conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases, and of military training of the natives for other than police purposes, and the defence of territory, and will also secure equal opportunities for the trade and commerce of other members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands,<sup>1</sup> which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the mandatory State, and other circumstances, can be best administered under the laws of the mandatory State as integral portions thereof, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the mandatory State shall render to the League an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory State shall if not previously agreed upon by the High Contracting Parties in each case be explicitly defined by the Executive Council in a special Act or Charter.

The High Contracting Parties further agree to establish at the Seat of the League a Mandatory Commission to receive and examine the annual reports of the Mandatory Powers, and to assist the League in ensuring the observance of the terms of all mandates.

#### ARTICLE 19.

The High Contracting Parties agree that they will make no law prohibiting or interfering with the free exercise of religion, and they

<sup>1</sup> This is the later language. At this stage it was "islands in the South Pacific." See p. 275.

resolve that they will not permit the practice of any particular creed, religion or belief, whose practices are not inconsistent with public order or with public morals, to interfere with the life, liberty or pursuit of happiness of their people.

## ARTICLE 20.

The High Contracting Parties agree that provision shall be made through the instrumentality of the League to secure and maintain freedom of transit and equitable treatment for the commerce of all States, members of the League, having in mind, among other things, special arrangements with regard to the necessities of the regions devastated during the war of 1914-1918.

## ARTICLE 21.

The High Contracting Parties agree that every Treaty or international engagement entered into by any State, a member of the League, shall be forthwith registered with the Chancellor and as soon as possible published by him, and that no Treaty or international engagement shall be operative until so registered.

## ARTICLE 22.

The High Contracting Parties severally agree that the present Covenant is accepted as abrogating all obligations *inter se* which are inconsistent with the terms thereof, and solemnly engage that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any of the Powers signatory hereto or subsequently admitted to the League shall, before becoming a party to this Covenant, have undertaken any obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

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EIGHTH MEETING, FEBRUARY 11, 1919, AT 10.30 A.M.

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President WILSON *in the Chair*.

## Present :

|                                |   |   |   |                             |
|--------------------------------|---|---|---|-----------------------------|
| President Wilson               | . | . | : | } United States of America. |
| Colonel House                  | . | . | . |                             |
| Lord Robert Cecil              | . | . | : | } British Empire.           |
| Lieutenant-General J. C. Smuts | . | . | . |                             |

|                                    |   |                         |
|------------------------------------|---|-------------------------|
| Mr. Léon Bourgeois . . . . .       | } | France.                 |
| Mr. Larnaude . . . . .             | } |                         |
| Mr. Orlando . . . . .              | } | Italy.                  |
| Senator Scialoja . . . . .         | } |                         |
| Baron Makino . . . . .             | } | Japan.                  |
| Viscount Chinda . . . . .          | } |                         |
| Mr. Hymans . . . . .               |   | Belgium.                |
| Mr. Epitacio Pessoa . . . . .      |   | Brazil.                 |
| Mr. V. K. Wellington Koo . . . . . |   | China.                  |
| Mr. Veniselos . . . . .            |   | Greece.                 |
| Mr. Dmowski . . . . .              |   | Poland.                 |
| Mr. Jayme Batalha Reis . . . . .   |   | Portugal.               |
| Mr. Diamandy . . . . .             |   | Roumania.               |
| Mr. Vesnitch . . . . .             |   | Serbia.                 |
| Mr. Kramar . . . . .               |   | Czecho-Slovak Republic. |

President Wilson opened the meeting with a discussion of the amendment proposed by the British Delegates as Article 23 of the Covenant, as follows:

"The Body of Delegates shall make provision for the periodic revision of treaties which have become obsolete and of international conditions, the continuance of which may endanger the world."

This amendment gave rise to the following comment:

Mr. Kramar observed that, if the Body of Delegates were to become the judge of all treaties, it would have powers like those of an international Parliament.

Lord Robert Cecil said that since the Body of Delegates could not act except by unanimous vote, there could be no objection on that score.

Mr. Bourgeois thought that there was no other practicable way in which to make the principle effective. It is the duty of the Body of Delegates from time to time to give publicity to treaties. In this fashion it builds the *Corpus Juris* of international life. If it discovers objectionable features it may require an explanation from the Government concerned before registering the treaty. This plan of procedure would protect the independence of States.

Mr. Batalha Reis asked whether the Executive Council or even the Body of Delegates would have the right to refuse to register a treaty. This question was answered in the negative.

President Wilson proposed the following wording:

"It shall be the right of the Body of Delegates from time to time to advise the reconsideration by the States, members of the League, of treaties which have become inapplicable, and of international con-

ditions, the continuance of which may endanger the peace of the world."

This article was adopted.

#### ARTICLE 24.

Lord Robert Cecil read a proposed new article connected with the preceding article:

"Amendments to the constitution and functions of the League can be made by an unanimous vote of the Executive Council confirmed by a majority of the Body of Delegates."

Mr. Veniselos thought that it should not be made too difficult to modify the statutes of the League of Nations. It was here proposed to require an unanimous vote in the Executive Council, and to be content with a bare majority in the Assembly. In such a case it would follow that a Power in the minority might withdraw. In order to escape such an eventuality, would it not be better to provide for a three-fourths majority?

Mr. Larnaude said that the question was whether or not we wanted a League in which the long-standing rules of international law would apply in full force. Were we setting up nothing more than a treaty, or were we indeed making a permanent constitution, creating a real institution higher than States? The Covenant, by analogy, resembled the scheme of the Confederation. This being so, we were on diplomatic ground. But if we were talking about a constitution, we were in the sphere of a super-State.

President Wilson observed that when the nations subscribe to the Covenant, they will clearly be bound by the new text.

Mr. Orlando was of the opinion that a State in the minority would be forced to remain in the League. New laws should be made to accord with new facts.

Mr. Larnaude said that the Delegates would be officials whose position was like that of judges who cannot be divested of office at pleasure. They must have the international point of view and a kind of independence.

Mr. Vesnitch thought that if the nine Powers of the Executive Council should agree in proposing a change, and this change were approved by two-thirds of the nations represented in the Body of Delegates, no State could think that it was directed against its peculiar interests. This procedure ought to give complete satisfaction.

Mr. Veniselos supported it equally, but suggested that a three-quarters majority be required.

Mr. Pessoa made the same suggestion.

Baron Makino expressed his own view of the matter and com-

mented upon the considerations which were involved in the new Article 24.

Mr. Rolin-Jaequemyns, who had replaced Mr. Hymans, supported the view expressed by Mr. Vesnitch, Mr. Veniselos, and Baron Makino on the understanding that this should apply only to the "fundamental clauses."

President Wilson then read the following text:

#### ARTICLE 24.

"Amendments to this Covenant will take effect<sup>1</sup> when ratified by the States whose representatives compose the Executive Council, and by three-fourths of the States whose representatives compose the Body of Delegates."

The article was then adopted.

Mr. Bourgeois then read the following note, and asked that it be inserted in the minutes:

"I had thought of asking the Drafting Committee to reconsider the text of Article 14. Then I was told that our mandate was limited to only three articles, and I was convinced that this was so. Nevertheless, I ask that I may record the following observations:

"It was understood that in this first reading we would not consider ourselves bound by what had been provisionally adopted before, and that is all the more necessary since there are certain articles whose import cannot be measured without discussing the provisions of certain later articles.

"According to the Draft which has just been adopted for Articles 12 and 13, even in case of an unanimous agreement, if a Power, acting in bad faith, and being the possessor of the thing in dispute, refuses to abide by the judgment of the arbitrators or the decision of the Executive Committee, the League of Nations is not legally bound to ensure the fulfilment of the decree. In view of the necessary consequences, it is imperative that stronger provisions be introduced in order to protect a State acting in good faith against a State which is acting in bad faith.

"Otherwise it would happen that nations faithful to their international obligations would suffer as the result of an organisation effective in appearance, but in reality a trap for nations of good faith.

"Our Commission certainly does not want this, and indeed it would be too much in conflict with the principles of justice so forcibly expressed by President Wilson.

"I feel all the more impelled to offer these observations now for the reason that since we have been working here a trend of opinion

<sup>1</sup> For "take effect" read "be effective." See Vol. I, p. 204.

has developed revealing a spirit of uneasiness to which I must call your attention.

"Our colleagues representing Great Britain and the United States have very justly called attention to the serious consideration which they must give to the public opinion of their nations, and to the necessity that their Governments should not be involved in sacrifices beyond those which are at the same time demanded and delimited by the very principles of the League of Nations.

"In the presence of these evidences of uneasiness, shall we not together examine carefully the articles which we adopted at the time of the first reading? In this way we can make whatever changes are necessary in order to secure the unqualified approval of the public opinion of our respective countries. I shall deal with the following three points:—

"1. Article 11, as it is now drawn, limits the application of its sanction to violations of Article 10. It therefore does not make any provision to secure the execution of the decrees of arbitration contemplated in Article 11, nor for the unanimous decisions of the Executive Council referred to in Article 13.

"Yesterday, Articles 11 and 13 were sent back to us for re-drafting. Article 14, however, was not sent; yet the new draft of these two articles calls for a corresponding change in Article 14.

"In order that the provisions of Articles 11 and 13 may be rendered effective beyond all doubt, it is necessary that, under some form to be agreed upon, they should be backed by sanctions.

"And so I propose to add to Article 14, after these words in the second paragraph, 'To be used to protect the Covenants of the League,' the two following paragraphs:—

"'In case one of the contesting parties, after having followed the procedure prescribed under Article 10, should not accept the verdict of the tribunal, or a decision unanimously rendered by the Executive Council or by the Body of Delegates, the Council shall ask the Associated Governments to apply appropriate sanctions from among those enumerated in the first paragraph of this article.

"'In the case of a recommendation made by majority vote, where the dispute might terminate in a resort to force by the interested parties, the Executive Council shall submit the question to the Governments themselves.'

"2. The observations which precede must likewise involve a re-examination of the text of Article 8, relating to the reduction of armaments. The substitution of the words 'national safety' for the words 'domestic safety,' which was adopted at the suggestion of the Japanese Delegate, ought to involve certain modifications with a view to insuring a practical realisation of the words of President Wilson:—

“‘A force must be created, a force so superior to that of all nations or to that of all alliances, that no nation or combination of nations can challenge or resist it.’

“In order that the international force should be what President Wilson desires, it must be so great that no single force can defeat it. And so, I believe that we must organise a control of troops and armaments of such a kind as definitely to put a stop to preparation for fresh wars on the part of nations acting in bad faith, and to protect honest nations against every sudden attack; for such a thing would indicate a real failure in the organisation of law.

“In Article 8 then, the following words should be inserted after the words, ‘The Executive Council shall formulate plans for effecting such reduction’ :—

“‘It will establish an international control of troops and armaments, and the High Contracting Parties agree to submit themselves to it in all good faith. It will fix the conditions under which the permanent existence and organisation of an international force may be assured.’

“I may recall that at the meeting of the 6th February, in respect to this Article 8, I insisted that in the determination of what troops and what armaments each nation should have, on the one hand to preserve its national security and on the other hand to bear its share in maintaining an international force, it would be necessary to introduce two distinct elements, and that with the factor of power in the case of each State should be considered also the factor of risk which each State may have to run by reason of its geographical situation and the nature of its frontier.

“President Wilson clearly recognised this necessity when, speaking from the platform of the French Chamber of Deputies, he pronounced those splendid words, for which I here thank him: ‘The frontier of France is the frontier of the world’s liberty.’ I ask then, that following the words ‘The Executive Council shall formulate plans for effecting such reduction,’ this clause be added :—

“‘Having due regard, in determining the number of troops, not only to the relative strength of the different States, but also to the risks to which they are exposed by their geographical situation and the nature of their frontiers.’

“I offer this as a new amendment to Article 8.

“3. My third amendment, which concerns Article 6, goes back to quite a different thought. I mentioned it to you when first we discussed this Article. It relates to the conditions which shall govern the admission of a new State into the League of Nations. To my mind the veto of one nation would not be desirable, providing the

majority be two-thirds. We have all stated here that mutual good faith ought to be the basis and constitute the strength of an international organisation. Guarantees of uprightness are indispensable. The associated States ought to be free States, fortified with institutions which will safeguard them in the enjoyment of liberty.

"If they have previously committed acts in defiance of law, acts of violence, acts of barbarity or crimes, they must first be required to make reparations and to pay the price which justice demands. Briefly, it is necessary that every one of the associated States be at the same time cleansed of its past and free for the future. That is the spirit of the following amendment, which will give to the League of Nations its high moral position in the eyes of the world.

"I would modify the second paragraph as follows:—

"'Furthermore no nation shall be admitted into the League unless it has representative institutions which permit of its being considered as itself responsible for the acts of its own Government; unless it is in a position to give effective guarantees of its sincere intention to abide by its agreement; and unless it conforms to those principles which the League shall formulate regarding naval and military forces and armaments.'

"The French Senators and Deputies who compose the parliamentary group of arbitration, consisting of members favourably disposed toward the League of Nations, have already taken steps to acquaint us with their anxiety regarding those matters of which I have just spoken. If we should not take formal precautions in the matter of controlling armaments, this group of men would feel that we were exposing our country to grave risks unless guarantees were given on that point, and it would oppose the plan all the more vigorously."

Mr. Larnaude supported these views, and held that they could not create difficulties. He insisted on the idea of the geographical risk, which is of such great importance for nations like Poland, the Czecho-Slovak Republic, Roumania, Belgium, France, &c. The control of munitions of war, and of other manufactures which might conceal potential preparations for war, lay at the very basis of the League of Nations, unless one wished the nations of good faith to be the victims of the others.

President Wilson: We must make a distinction between what is possible and what is not. No nation will consent to control. As for us Americans, we cannot consent to control because of our Constitution. We must do everything that is possible to ensure the safety of the world. Some plan must be worked out by which every country shall have a sufficient force, first, to maintain its national security, secondly, to contribute to international safety.

It may be admitted that France should maintain a force propor-

tionately more considerable than other nations, on account of the geographical risk that has been mentioned, but as to the construction of an unified military machine in time of peace, that is quite another question. This war made apparent the absolute necessity of the unity of command, and this unity of command constituted an immense advantage which had a decisive influence on the very issue of the war, but the unity of command only became possible because of the immediate and imminent danger which threatened civilisation. To propose to realise unity of command in time of peace, would be to put forward a proposal that no nation would accept. The Constitution of the United States forbids the President to send beyond its frontiers the national forces. If the United States maintained an army, there would always be a certain inevitable delay in sending it to the States where it might be required. And it is possible that the Germans may gather together once more their military power. If the militarist madness has not been destroyed in Germany by this war, a new menace may threaten us, but this menace will not develop suddenly. The economic condition of Germany will make that impossible.

As for us, if we organise from now onwards an international army, it would appear that we were substituting international militarism for national militarism. Some eminent Frenchmen have already told me that they would not accept what the American Constitution forbids me to accept. I know how France has suffered, and I know that she wishes to obtain the best guarantees possible before she enters the League, and everything that we can do in this direction we shall do, but we cannot accept proposals which are in direct contradiction to our Constitution.

The argument which has been most employed against the League of Nations in America, is that the army of the United States would be at the disposal of an international council, that American troops would thus be liable to be ordered to fight at any moment for the most remote of causes and this prospect alarms our people. There is therefore no other course open to us but to accept some system compatible at once with our Constitution and with the views of our public opinion.

Mr. Bourgeois said that he need not add that France was ready to become a member of the League of Nations, the principles of which, as laid down in the draft Covenant, were in accordance with those which she herself had always fought for, but she required the organisation of international action to be considered and clearly defined. He thought there was a misunderstanding with regard to the word "control." President Wilson had alluded to the command of an international army, and to the difficulties that would be raised as to the admission of a single chief placed at the head of all the armies of the nations in the League. But what was most important of all was to have some means of verifying the quantities of arma-

ments produced by each nation, and that could only be done if every State in the League undertook not to surpass certain limits, and to allow that the extent of its manufactures should be verified. This verification was indispensable in order to avoid that a State should secretly produce arms and munitions. He used the word control, therefore, only in the sense of the French words "surveillance" or "vérification."

So far as the international army was concerned it was not a question of a permanent army, but simply of making some provision for a military organisation to be given to national contingents so that they could be rapidly co-ordinated against an aggressive State. If one could not do that the League became nothing but a dangerous façade. France held the frontier of the Rhine, which President Wilson had called the frontier of liberty. She was therefore obliged to maintain a considerable force even in time of peace, and she could never be tranquil unless it were certain that, in case of attack, she could count on the effective help of the other members of the League, and that she would not have to wait for their support for months, or perhaps for years; unless this were certain France would be again exposed to a sudden attack and would think that the League was nothing but a trap.

It appeared, therefore, necessary for the safety of the members of the League who were particularly exposed to attack to provide some organisation for the international forces which would be ready to come into operation whenever affairs took a critical turn. He did not hold in any way to his wording, but simply to the double idea which he had expressed of the verification or surveillance of armaments and of a certain organisation to provide for cases in which the utilisation of national contingents might be required. He asked, therefore, for the insertion in the convention of a formula which would give public opinion the sense of security which it demanded. It was necessary that the idea of the League of Nations should engender a feeling of confidence in order to obtain universal acceptance.

President Wilson: In this discussion we have so far left on one side an essential element. Our principal safety will be obtained by the obligation which we shall lay on Germany to effect a complete disarmament. It is said that she will be able to prepare again in secret, but I ask, what part of the German military preparation was secret before this war? We knew the number of their soldiers, their plan of attack, and the extent of their armaments. In reality no serious preparation for war can be made in secret. There is nothing to be feared from a large number of men; the danger lies rather in the quantity of machines and of munitions which have been manufactured, and these things cannot be accumulated in secret. I am convinced that we shall carry out the effective disarmament of Germany, and in that case we shall enjoy on that side a period of

safety, for it will be impossible for Germany to accumulate anew reserves of munitions and of the machinery of war.

Lord Robert Cecil observed that the French proposals seemed to be summed up in three principal points:—

1. National security must be considered in relation to the geographical position of States. One could meet this preoccupation by adding to the article words of this sort: "Having special regard to the situation and circumstances of certain States." This was a matter which could be put right by the draughtsmen.

2. The word "control" might lead to a misunderstanding. It might be preferable to use the word "inspection." In any case the French amendment had for its object to make certain of two things: (a) that no State should have an army greater than a permitted maximum, and (b) that every State should have a force equal to the minimum imposed by the League. The second of these points seemed to him extremely delicate, and the people of Great Britain would have many objections to accepting a control which insisted on a certain number of British soldiers being maintained under arms. He did not think that this proposal could be adopted.

3. The French amendment indicated the necessity of an organisation which would permit of the immediate utilisation of the military forces of the members of the League. In this form the proposal departed from our conception of the League, which did not include an international force, but some less strict arrangement might be adopted which would permit of the preparation of agreements on the subject whenever the need for it should be felt. Thus a result could be obtained if we were content to accept some provision such as the following: "A permanent Commission shall be established to advise the League of Nations on naval and military questions."

Mr. Larnaudé: Several nations which have taken part in this war are afraid of having made sacrifices in vain. The protection which results from the existence of a League of Nations will perhaps become a guarantee of safety, but within what period of time? Perhaps within a hundred years. By that time the militarist spirit will no doubt have disappeared, but at the present moment we are emerging from a terrible war. Can it be thought that we shall pass immediately from the state of intensive militarism in which we live to a state of practical disarmament?

To-day we are in a period of transition. We must have national contingents always ready to reassure the States within the League. The sacrifice which is asked of each State will be negligible beside this. The idea of an international force is bound up with the very idea of the League of Nations, unless one is content that the League should be a screen of false security.

President Wilson: It must not be supposed that any of the members of the League will remain isolated if it is attacked, that is the direct contrary of the thought of all of us. We are ready to fly

to the assistance of those who are attacked, but we cannot offer more than the condition of the world enables us to give.

Mr. Larnaupe: If the Treaty of Peace gives us absolute guarantees that Germany will be virtually disarmed, and will not be able to build up her armaments again, then we shall feel safer.

Mr. Bourgeois: The dilemma has been put to us in the following manner: Is France prepared to enter into a League of Nations such as is defined in the Covenant, that is to say, without the organisation of an international army, or would she prefer to stand alone?

We must equally call your attention to the fact that we are ourselves disposed to submit to the corresponding obligations, that is to say, to our armies, and our military preparations being controlled by the League. Other nations say they cannot consent to this control. Nevertheless, there can be no rule of justice and of safety among the different nations of the world if every State can at its will prepare an attack. Opposition to the essential principles of the League of Nations does not therefore come from our side.

President Wilson: The only method by which we can achieve this end lies in our having confidence in the good faith of the nations who belong to the League. There must be between them a cordial agreement and goodwill. Take a new State which is going to enter this League, Poland. We have confidence in Poland, we hope that she will co-operate willingly in our efforts, and that she will take the necessary measures to secure her safety, and also to make the principles of the League respected. I therefore ask the French Delegation to consider this question again, for I think that any control, by whatever name it may be called, will be too offensive to be adopted. All that we can promise, and we do promise it, is to maintain our military forces in such a condition that the world will feel itself in safety. When danger comes, we too will come, and we will help you, but you must trust us. We must all depend on our mutual good faith.

Mr. Bourgeois: France is ready to accept some system of control, and considers that in accepting it she would surrender no portion of her dignity. It is a common measure of mutual guarantee which has nothing offensive in it, since it would apply equally to all the Great Powers, and since it is made by common accord amongst them all. We are dealing with everyone on the footing of perfect equality, and we do not think that this step would involve any sacrifice of independence. I ask therefore with insistence that something should be done in this matter, which cannot be left outside our Covenant; something that will give to public opinion the feeling of safety which it demands. Without that any scheme for a League of Nations will simply arouse general distrust.

It was agreed that the matter should be considered again by the Drafting Committee.

*(The Meeting adjourned.)*

NINTH MEETING, FEBRUARY 13, 1919, AT 10.30 A.M.

President WILSON *in the Chair.*

Present:

|                                |   |   |   |   |                           |
|--------------------------------|---|---|---|---|---------------------------|
| President Wilson               | . | . | . | } | United States of America. |
| Colonel House                  | . | . | . |   |                           |
| Lord Robert Cecil              | . | . | . | } | British Empire.           |
| Lieutenant-General J. C. Smuts | . | . | . |   |                           |
| Mr. Léon Bourgeois             | . | . | . | } | France.                   |
| Mr. Larnaude                   | . | . | . |   |                           |
| Mr. Orlando                    | . | . | . | } | Italy.                    |
| Senator Scialoja               | . | . | . |   |                           |
| Baron Makino                   | . | . | . | } | Japan.                    |
| Viscount Chinda                | . | . | . |   |                           |
| Mr. Hymans                     | . | . | . | . | Belgium.                  |
| Mr. Epitacio Pessoa            | . | . | . | . | Brazil.                   |
| Mr. V. K. Wellington Koo       | . | . | . | . | China.                    |
| Mr. Veniselos                  | . | . | . | . | Greece.                   |
| Mr. Dmowski                    | . | . | . | . | Poland.                   |
| Mr. Jayme Batalha Reis         | . | . | . | . | Portugal.                 |
| Mr. Diamandy                   | . | . | . | . | Roumania.                 |
| Mr. Vesnitch                   | . | . | . | . | Serbia.                   |
| Mr. Kramar                     | . | . | . | . | Czecho-Slovak Republic.   |

*Second Reading of the Covenant.*

The Covenant, as reported back from the Drafting Committee, appears as Annex 2.

Mr. Bourgeois asked if the second reading was about to begin, and if the articles would be put to the vote. If this were the case, then it would be in order to offer amendments, and the outcome of the voting should be indicated in the Minutes.

This procedure was agreed upon.

Lord Robert Cecil read the Preamble.

Mr. Larnaude suggested that the Preamble should be amended, to begin with the following words: "The Powers signatory to the present Covenant, unanimous in condemning those who visited upon the world the war just ended, firmly resolved to determine the issue of responsibility therefor, yet at the same time desiring to formulate the rules of an international order, whose primary object shall be that of preventing the resurgence of armed force save in the defence of right, desiring likewise to establish the reign of justice

throughout the world and to maintain a scrupulous regard for international engagements, continuing and enlarging upon the work begun by The Hague Conference."

Mr. Batalha Reis said that the League of Nations, being a work of union and concord between peoples, which should prepare a future of peace, he would not like to see its Covenant begin by words of condemnation and punishment. Other nations would soon join the League. How could those nations which remained neutral during the war accept the Preamble of our Covenant if it were in the terms proposed by the French Delegates?

With regard to the reference to The Hague Conference Mr. Batalha Reis wished to insert the following declaration in the Minutes:—

The Portuguese Delegate regrets that the Commission did not think it advisable to make international arbitration obligatory at least for cases of a judicial order, thus continuing the work of The Hague Conference of 1899 and 1907. This was proposed by the Portuguese Delegation in 1907, and is virtually contained in Article 73 of the Portuguese Constitution, which says:—

"The Portuguese Republic, without prejudice to what is established in its Treaties of Alliance, proclaims the principle of arbitration as the best for the resolution of international conflicts."

Lord Robert Cecil felt that the question of responsibility for the war was an extremely controversial one, which should not be introduced into the text. As far as The Hague Conference was concerned, he thought that the League of Nations might better stand by itself and not bear the burden of the criticisms which have been levelled against international conventions however highly the whole world might regard them.

President Wilson, noting that the portion of the amendment which dealt with the question of responsibilities had been withdrawn, called for a vote on that part which referred to the work of The Hague.

The amendment was rejected by a vote of ten to five.

It was understood that this vote in no wise indicated that the Commission was opposed to the two ideas elaborated in Mr. Larnaude's amendment; merely that the Commission considered it inexpedient to write them into the Covenant.

The preamble was adopted.

#### ARTICLE I.

This article was adopted.

#### ARTICLE 2.

General Smuts proposed the following amendment with a view to satisfying that element of public opinion which desired that the

Body of Delegates might include representatives of the leading social groups:—

“At least once in four years, an extraordinary meeting of the Body of Delegates shall be held, which shall include representatives of national parliaments and other bodies representative of public opinion, in accordance with a scheme to be drawn up by the Executive Council.”

Lord Robert Cecil believed that it would be better, before making such a departure, to wait until public opinion had expressed its desires a little more clearly, and until the Covenant had been read to the Conference in plenary session.

Mr. Larnau de remarked that since Article 2 put no restriction upon the manner of choosing representatives, General Smuts' point was covered.

President Wilson was likewise of the opinion that it would be inadvisable to modify the article, since it was sufficiently flexible to permit of the later introduction of a system wholly satisfactory to public opinion.

Mr. Hymans emphasised the necessity of deciding upon the maximum number of representatives from each State. Unless this was done, he said, some States would be represented by Delegations whose number and influence in the Assembly would be wholly out of proportion to those of certain other States. More than that, if too many representatives were admitted, dissensions would arise within each Delegation itself. If there were a great number of Delegates, the League would find itself saddled with an universal parliament, so to speak, before which every man of political aspirations would be eager to deliver an oration. Furthermore, certain countries, like Belgium for example, exhibited very distinct groups, such as the agricultural class and the industrial class. If representation were given to one of these social groups, it would be necessary to give it to all the others. The only way to avoid offending anyone would be to have a small number of competent representatives chosen irrespective of party affiliations.

Lord Robert Cecil said that each Power might be represented as it saw fit. He thought it likely that England, for example, might send a leader of the Labour Party, someone who would be the spokesman of religious interests, and, he hoped, a woman.

President Wilson observed that representatives would be chosen by the State which should, in choosing, make a point of satisfying public opinion. The Government's representatives would thus be true representatives of the people at large.

Mr. Bourgeois was of the opinion that the Delegates would certainly represent the prevailing opinion of the majority of their fellow citizens. The Government would be responsible for its choice, and if

it was mistaken it would promptly be advised of that fact by public opinion.

Mr. Hymans felt that Lord Robert Cecil's plan was an ideal one. He also felt that if a beginning was made of giving representation to social groups it would end up with an international parliament holding yearly meetings. Presently the custom would grow up of bringing all sorts of questions before the League of Nations, and in that way its scope of action would be too widely extended. Last of all, elections would take place and the international parliament would no longer bear any relation to the present conception of the Body of Delegates.

Mr. Orlando believed that it was necessary that each State should have the right to send the same number of representatives. As far as the issue raised by General Smuts was concerned he thought that it would be preferable to let it work itself out within the body of Delegates.

After an exchange of opinion in which Senator Scialoja, Lord Robert Cecil, Mr. Batalha Reis, Mr. Bourgeois, Mr. Vesnitch, and Mr. Larnaudé took part, a proposal that the maximum number of representatives for each High Contracting Party be fixed at five was put to the vote by President Wilson. It was rejected. Three was agreed upon as the maximum number of Delegates to be attributed to each State.

It was agreed that the following words should be added at the end of the article: "Each of the High Contracting Parties shall have one vote but may not have more than three representatives."

The article was then adopted.

#### ARTICLE 3.

Mr. Pessoa declared once again that he could not accept the organisation of the Executive Council in the way shown in the present article. After extending the considerations made at the time of the first reading of the draft, he added that it was clear that the question could not be settled entirely by the rigorous principles of law. The injunctions of political reason must also be considered. But it was neither equitable nor just that nations which were not considered Great Powers should have a representation which did not amount even to one Delegate per continent. Mr. Pessoa therefore suggested that the original draft, at least, should be adopted, since it allowed five Delegates for the Great Powers and four for the others.

Mr. Veniselos urged the Commission to accept four as the number of representatives to be given to States with special interests.

Lord Robert Cecil accepted four as the number, but insisted that this decision should be unanimously supported before the Conference by all the States represented on the Commission.

Mr. Batalha Reis accepted for the time being the number of four

representatives, but he could not pledge his Government to this view.

Mr. Pessoa observed that it was not reasonable that the Delegates of the Great Powers should be appointed directly by them, while those of the small nations were elected by the Assembly of Delegates, that is to say, under the influence and with the collaboration of the great States. The executive power of the League must come from one single source. It could not be conceived that some of its members should be chosen by the States themselves, while others were chosen by the Assembly. Such an organisation would be an hybrid one.

Mr. Hymans likewise agreed; he foresaw complications, however, on the day when States which might be called "intermediate" should be admitted into the League, since this would lead toward the exclusion of the small Powers.

Lord Robert Cecil was of opinion that it would be advisable to leave a certain elasticity in the text, so that the difficulties to which Mr. Hymans referred might be avoided. Certainly if the Executive Council were too large the League of Nations would be handicapped. The Body of Delegates would choose the small States which were to be represented on the Executive Council, and these States would name their own Delegates.

Mr. Bourgeois remarked that nine as the number of representatives on the Council might be changed under certain circumstances, but that the chief thing was to maintain due proportion between the Great and Small Powers as expressed in the relation of five to four, *i.e.* a majority of one.

Mr. Hymans thought that it would be better if they were not bound by a principle or by a rule fixed in advance.

Mr. Veniselos accepted the principle of a majority of one for the Great Powers.

President Wilson remarked that the League would be qualified to deal with questions which should arise in the future. He then called for a vote on Article 3.

This article was adopted.

It was understood that the Peace Conference would name the four States whose representatives were to be the original members of the Executive Council.

#### ARTICLE 4.

President Wilson read Article 4.

This article was adopted.

#### ARTICLE 5.

President Wilson read Article 5 (formerly Article 4), in which the word "Secretary-General" was substituted for the word "Chancellor."

This article was adopted.

## ARTICLE 6.

President Wilson read Article 6 (formerly Article 5).  
This article was adopted.

## ARTICLE 7.

President Wilson read Article 7 (formerly Article 6).

Lord Robert Cecil observed that the draft of the French amendment had been adopted in the second paragraph of this article.

A discussion then took place upon the meaning of the words "pays libres."

Mr. Larnaude remarked that this expression was employed by writers on constitutional law to describe a State whose institutions were democratic or liberal. In any case it was used in regard to the internal constitution of the State, and was less accurate than the English expression "self-government," which was commonly used.

Any French translation of this expression would have to be paraphrased as "countries whose institutions are founded on political liberty."

Mr. Orlando agreed with the observations of Mr. Larnaude, and said that in Italian law the expression "pays libres" was used in the same sense—its meaning being clear, and understood to refer to the internal freedom of States.

The expression "fully self-governing countries" was admitted to be the most exact. Its French equivalent would be "pays de self-government total."

Lord Robert Cecil accepted the article on the understanding that India would be admitted to the League as a signatory to the Covenant.

President Wilson replied that this interpretation had already been put upon the article.

General Smuts asked whether or not neutral Powers which should adhere to the Covenant would be considered on the same basis as the original signatories?

President Wilson replied that the League was formed solely by the Allied and Associated Powers, but that the conditions of admission of other States would not be such as to exclude those who sincerely desired to join the League of Nations.

He then read the suggestion made in this connection by Lord Robert Cecil, that there be added at the end of Article 7, after the words "the admission to the League of States not signatory to the present Covenant," the words "and not named in the Protocol hereto as States to be invited to adhere to the Covenant."

Mr. Bourgeois remarked that it would be a very delicate matter to draw up a list of invitations of this sort, and that such a procedure would necessarily involve a classification of neutral Powers.

On the other hand it might be imagined that some neutrals, such as Switzerland, would not accept the invitation of the Conference. So it would appear advisable not to draw up a list of those to be invited, but hold to the general conditions of admission as set forth in the article.

Following an exchange of views between Mr. Hymans, Mr. Larnaude and Mr. Orlando, Mr. Bourgeois recalled the fact that the scheme of the League embraced three stages: First, the organisation of the League by the Allies; second, the inclusion in the Treaty of Peace of special conditions, such as disarmament; finally, after peace, the convocation of an international conference, including all nations admitted into the fellowship of the League of Nations.

Mr. Larnaude stated that the essential thing was the imposition of severe conditions on those nations which could not be trusted. Such nations as these would have to secure a two-thirds vote in order to be admitted. As for neutral Powers, the question of their admission would have to be considered in a broad way, and distinctions could hardly be drawn between them.

Following these observations, the amendment proposed by Lord Robert Cecil was put to the vote and adopted.

President Wilson regretted that he would be unable to attend the next meeting since it conflicted with a meeting of the Council of Ten which he had to attend.

He asked the Commission to continue its work that afternoon under the chairmanship of Lord Robert Cecil.

*(The Meeting adjourned at 1 o'clock to resume its discussions  
at 3.30 P.M.)*

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### *Annex 1 to Minutes of Ninth Meeting.*

#### REPORT OF THE DRAFTING COMMITTEE.

##### ARTICLE 2.

For the words "the Ambassadors or Ministers" substitute the word "representatives." Omit the words after "High Contracting Parties."

##### ARTICLE 3.

Omit the word "the" before "representatives" (seventh word of the article).

For the words "together with . . . representatives of the other States" substitute the words "together with representatives of . . . other States."

## ARTICLE 4.

In this article and throughout the Covenant for the word "Chancellor" substitute the words "Secretary-General."

After the words "Secretary-General of the League" change the wording as follows:—

"Who shall be chosen by the Executive Council. The Secretariat shall be appointed by the Secretary-General, subject to confirmation by the Executive Council."

For the words "distribution among members of the Universal Postal Union" substitute the word "apportionment."

The Committee considered the question of the Seat of the League, and contemplated the possibility of locating the Seat at Geneva.

## ARTICLE 6.

Substitute the following draft:—

"Admission to the League of States not signatories of the Covenant shall require the assent of not less than two-thirds of the States represented in the Body of Delegates, and shall be limited to free countries, including dominions and colonies.

"No State shall be admitted, unless it is able to give effective guarantees of its sincere intention to observe its international obligations, and unless it shall conform to such principles as may be prescribed by the League in regard to its naval and military forces and armaments."

The Committee considered whether it would be possible to bring the League into more direct relations with the peoples of the States members of the League. They found great difficulty in devising any satisfactory plan for the purpose, and they do not recommend the inclusion in the Covenant of any article of this kind at the present moment. If, when the scheme is laid before the public, there should be manifested a strong feeling that something of the kind should be done, the matter might be reconsidered. It is suggested that reference to the point might be made when the Convention is proposed to the plenary Conference.

## ARTICLE 7.

After the words "in case of any such aggression" insert the words "and in case of any threat or danger of such aggression."

For the words "the plan and" substitute the word "upon."

## ARTICLE 8.

After the word "obligations" in the first sentence, insert the words "having special regard to the geographical situation and circumstance of each State."

For the second paragraph substitute the following draft:—

"The High Contracting Parties further agree that the manufacture by private enterprise of munitions and implements of war lends itself to grave objections, and direct the Executive Council to advise how the evil effects attendant upon such manufacture can be prevented.

"The High Contracting Parties further undertake, by means of a full and frank publicity, in no way to conceal either the condition of such of their industries as are capable of being adapted to war-like purposes, or the scale of their armaments, and of their military and naval programmes."

Add a new article after article 8, as follows:—

"A permanent Commission shall be constituted to advise the League on all military and naval questions."

#### ARTICLE 9.

Insert after the word "anywhere" the words "concerning international intercourse."

#### ARTICLE 10.

For the words "armed force," in both places where they occur, substitute the words "any act of war."

#### ARTICLE 11.

After the words "the whole subject matter to arbitration" insert a full stop. Then insert the last paragraph of the article, "for this purpose . . . between them." Then conclude as follows:—

"The High Contracting Parties undertake that they will carry out in full good faith any award or decision that may be rendered. In the event of any failure to comply with this undertaking, the Executive Council shall propose what steps can best be taken to give effect to the award or decision."

Similarly, the word "propose" should be substituted for the word "consider" in the third sentence of the second paragraph of Article 13.

#### ARTICLE 16.

For the words "entrust to the League" substitute the words "agree that the League should be entrusted with."

#### ARTICLE 17.

First paragraph, for the words "in consequence of" substitute the words "as a consequence of."

For the words "not able" substitute the words "not yet able."

## ARTICLE 18.

For the word "commission" substitute the word "bureau."

## ARTICLE 19.

The Committee feel that, in view of the complications of this question, it would be preferable to omit this article altogether. If, however, there is a strong feeling in the Commission that some such provision should be inserted, they suggest the following drafting:—

"The High Contracting Parties agree that they will not prohibit or interfere with the free exercise of any creed, religion or belief whose practices are not inconsistent with public order or public morals, and that no person within their respective jurisdictions shall be molested in life, liberty, or the pursuit of happiness by reason of his adherence to any such creed, religion, or belief."

## ARTICLE 21.

For the words "every treaty" substitute the words "every future treaty."

For the word "operative" substitute the word "binding."

## ARTICLE 24.

For the words "a three-fourths' majority" substitute the word "three-fourths."

The Committee suggest the addition of the following new article:—

## ARTICLE 25.

"The High Contracting Parties agree to place under the control of the League all international bureaux already established by general treaties if the parties to such treaties consent. Furthermore, they agree that all such international bureaux to be constituted in future shall be placed under the supervision of the League."

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*Annex 2 to Minutes of Ninth Meeting.*

## COVENANT.

*Preamble.*

In order to promote international co-operation and to secure international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honourable

relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the Powers signatory to this Covenant adopt this constitution of the League of Nations.

#### ARTICLE 1.

The action of the High Contracting Parties under the terms of this Covenant shall be effected through the instrumentality of meetings of a Body of Delegates representing the High Contracting Parties, of meetings at more frequent intervals of an Executive Council, and of a permanent international Secretariat to be established at the Seat of the League.

#### ARTICLE 2.

Meetings of the Body of Delegates shall be held at stated intervals, and from time to time as occasion may require for the purpose of dealing with matters within the sphere of action of the League. Meetings of the Body of Delegates shall be held at the Seat of the League, or at such other place as may be found convenient, and shall consist of representatives of the High Contracting Parties.

#### ARTICLE 3.

The Executive Council shall consist of representatives of the United States of America, the British Empire, France, Italy and Japan, together with representatives of other States members of the League, appointed by the Body of Delegates on such principles and in such manner as they think fit. Pending the appointment of these representatives of the other States, representatives of shall be members of the Executive Council.

Meetings of the Council shall be held from time to time as occasion may require, and at least once a year at whatever place may be decided on, or failing any such decision, at the Seat of the League, and any matter within the sphere of action of the League or affecting the peace of the world may be dealt with at such meetings.

Invitations shall be sent to any Power to attend a meeting of the Council at which matters directly affecting its interests are to be discussed, and no decision taken at any meeting will be binding on such Power unless so invited.

#### ARTICLE 4.

All matters of procedure at meetings of the Body of Delegates or the Executive Council, including the appointment of Committees

to investigate particular matters, shall be regulated by the Body of Delegates or the Executive Council, and may be decided by a majority of the States represented at the meeting.

The first meeting of the Body of Delegates and of the Executive Council shall be summoned by the President of the United States of America.

#### ARTICLE 5.

The permanent Secretariat of the League shall be established at which shall constitute the Seat of the League. The Secretariat shall comprise such secretaries and staff as may be required, under the general direction and control of a Secretary-General of the League, who shall be chosen by the Executive Council; the Secretariat shall be appointed by the Secretary-General, subject to confirmation by the Executive Council.

The Secretary-General shall act in that capacity at all meetings of the Body of Delegates or of the Executive Council.

The expenses of the Secretariat shall be borne by the States members of the League, in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

#### ARTICLE 6.

Representatives of the High Contracting Parties and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities, and the buildings occupied by the League or its officials, or by representatives attending its meetings, shall enjoy the benefits of extraterritoriality.

#### ARTICLE 7.

Admission to the League of States not signatory of the Covenant requires the assent of not less than two-thirds of the States represented in the Body of Delegates, and shall be limited to free countries, including Dominions and Colonies.

No State shall be admitted to the League unless it is able to give effective guarantee of its sincere intention to observe its international obligations, and unless it shall conform to such principles as may be prescribed by the League in regard to its naval and military forces and armaments.

#### ARTICLE 8.

The High Contracting Parties recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with national safety and the

enforcement by common action of international obligations, having special regard to the geographical situation and circumstances of each State; and the Executive Council shall formulate plans for effecting such reduction. The Executive Council shall also determine for the consideration and action of the several governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Executive Council.

The High Contracting Parties agree that the manufacture by private enterprise of munitions and implements of war lends itself to grave objections, and direct the Executive Council to advise how the evil effects attendant upon such manufacture can be prevented (due regard being paid in such recommendations to the necessities of those countries which are not able to manufacture for themselves the munitions necessary for their safety).

The High Contracting Parties undertake in no way to conceal from each other the condition of such of their industries as are capable of being adapted to war-like purposes or the scale of their armaments, and agree that there shall be full and frank publicity as to their military and naval programmes.

#### ARTICLE 9.

A permanent Commission shall be constituted to advise the League on military and naval questions.

#### ARTICLE 10.

The High Contracting Parties undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the League. In case of any such aggression, or in case of any threat of <sup>1</sup> danger of such aggression the Executive Council shall advise upon the means by which this obligation shall be fulfilled.

#### ARTICLE 11.

Any war or threat of war, whether immediately affecting any of the High Contracting Parties or not, is hereby declared a matter of concern to the League and the High Contracting Parties reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of the nations.

It is hereby also declared and agreed to be the friendly right of each of the High Contracting Parties to draw the attention of the Body of Delegates or of the Executive Council to any circum-

<sup>1</sup> Error for "or."

stances affecting international intercourse which threaten to disturb international peace or the good understanding between nations upon which peace depends.

#### ARTICLE 12.

The High Contracting Parties agree that should disputes arise between them which cannot be adjusted by the ordinary processes of diplomacy, they will in no case resort to war without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council, and until three months after the award by the arbitrators or a recommendation by the Executive Council; and that they will not even then resort to war as against a member of the League which complies with the award of the arbitrators or the recommendation of the Executive Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the recommendation of the Executive Council shall be made within six months after the submission of the dispute.

#### ARTICLE 13.

The High Contracting Parties agree that whenever any dispute or difficulty shall arise between them which they recognize to be suitable for submission to arbitration, and which cannot be satisfactorily settled by diplomacy, they will submit the whole matter to arbitration. For this purpose the Court of arbitration to which the case is referred shall be the court agreed on by the parties or stipulated in any Convention existing between them. The High Contracting Parties agree that they will carry out in full good faith any award that may be rendered. In the event of any failure to carry out the award, the Executive Council shall propose what steps can best be taken to give effect thereto.

#### ARTICLE 14.

The Executive Council shall formulate plans for the establishment of a Permanent Court of International Justice, and this Court shall when established, be competent to hear and determine any matter which the parties recognize as suitable for submission to it for arbitration under the foregoing Article.

#### ARTICLE 15.

If there should arise between States members of the League any dispute likely to lead to a rupture which is not submitted to arbitration as above, the High Contracting Parties agree that they will refer the matter to the Executive Council; either party to the dis-

pute may give notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties agree to communicate to the Secretary-General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Executive Council may forthwith direct the publication thereof.

Where the efforts of the Council lead to the settlement of the dispute, a statement shall be published indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate. If the dispute has not been settled, a report by the Council shall be published, setting forth with all necessary facts and explanations the recommendation which the Council think just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the Council other than the parties to the dispute, the High Contracting Parties agree that they will not go to war with any party which complies with the recommendation, and that, if any parties<sup>1</sup> shall refuse so to comply, the Council shall propose the measures necessary to give effect to the recommendation. If no such unanimous report can be made, it shall be the duty of the majority and the privilege of the minority to issue statements indicating what they believe to be the facts, and containing the recommendations which they consider to be just and proper.

The Executive Council may in any case under this article refer the dispute to the Body of Delegates. The dispute shall be so referred at the request of either party to the dispute, provided that such request must be made within fourteen days after the submission of the dispute. In any case referred to the Body of Delegates all the provisions of this article relating to the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates.

#### ARTICLE 16.

Should any of the High Contracting Parties break or disregard its covenants under Article 12, it shall thereby *ipso facto* be deemed to have committed an act of war against all the other members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention<sup>2</sup> of all financial, commercial, or personal intercourse between the nationals

<sup>1</sup> Error for "party."

<sup>2</sup> The words "so far as possible" were in the text here. See Annex to the minutes of the Fifth Meeting (article 14). The words were deleted at the Tenth Meeting.

of the covenant-breaking State and the nationals of any other State, whether a member of the League or not.

It shall be the duty of the Executive Council in such case to recommend what effective military or naval force the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The High Contracting Parties agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will afford passage through their territory to the forces of any of the High Contracting Parties who are co-operating to protect the covenants of the League.

#### ARTICLE 17.

In the event of disputes between one State member of the League and another State which is not a member of the League, or between States not members of the League, the High Contracting Parties agree that the State or States not members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Executive Council may deem just, and upon acceptance of any such invitation, the above provisions shall be applied with such modifications as may be deemed necessary by the League.

Upon such invitation being given the Executive Council shall immediately institute an inquiry into the circumstances and merits of the dispute, and recommend such action as may seem best and most effectual in the circumstances.

In the event of a Power so invited refusing to accept the obligations of membership in the League for the purposes of such dispute, and taking any action against a State member of the League, which in the case of a State member of the League would constitute a breach of Article 12, the provisions of Article 16 shall be applicable as against the State taking such action.

If both parties to the dispute, when so invited, refuse to accept the obligations of membership in the League for the purposes of such dispute, the Executive Council may take such action and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

#### ARTICLE 18.

The High Contracting Parties agree that the League shall be entrusted with the general supervision of the trade in arms and

ammunition with the countries in which the control of this traffic is necessary in the common interest.

#### ARTICLE 19.

To those colonies and territories which, as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well being and development of such peoples form a sacred trust of civilization, and that securities for the performance of this trust should be embodied in the constitution of the League.

The best method of giving practical effect to this principle is that tutelage of such peoples should be entrusted to advanced nations, who, by reason of their resources, their experience, or their geographical position, can best undertake this responsibility, and that this tutelage should be exercised by them as mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a mandatory Power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory Power.

Other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory subject to conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the mandatory State, and other circumstances, can be best administered under the laws of the mandatory State as integral portions thereof, subject to the safeguards above-mentioned in the interests of the indigenous population.

In every case of mandate, the mandatory State shall render to the League an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory State shall, if not previously agreed upon by the High Contracting Parties, in each case be explicitly defined by the Executive Council in a special Act or Charter.

The High Contracting Parties further agree to establish at the seat of the League a Mandatory Commission to receive and examine the annual reports of the Mandatory Powers, and to assist the League in ensuring the observance of the terms of all Mandates.

#### ARTICLE 20.

The High Contracting Parties will endeavour to secure and maintain fair and humane conditions of labour for men, women and children both in their own countries and in all countries to which their commercial and industrial relations extend; and to that end agree to establish as part of the organization of the League a permanent Bureau of Labour.

#### ARTICLE 21.

The High Contracting Parties agree that they will not prohibit or interfere with the free exercise of any creed, religion or belief whose practices are not inconsistent with public order or public morals, and that no person within their respective jurisdictions shall be molested in life, liberty, or the pursuit of happiness by reason of his adherence to any such creed, religion or belief.

#### ARTICLE 22.

The High Contracting Parties agree that provision shall be made through the instrumentality of the League to secure and maintain freedom of transit and equitable treatment for the commerce of all States, members of the League, having in mind, among other things, special arrangements with regard to the necessities of the regions devastated during the war of 1914-1918.

#### ARTICLE 23.

The High Contracting Parties agree to place under the control of the League all international bureaux already established by general treaties if the parties to such treaties consent. Furthermore, they agree that all such international bureaux to be constituted in future shall be placed under the control of the League.

## ARTICLE 24.

The High Contracting Parties agree that every treaty or international engagement entered into hereafter by any State member of the League shall be forthwith registered with the Secretary-General, and as soon as possible published by him, and that no such treaty or international engagement shall be binding until so registered.

## ARTICLE 25.

It shall be the right of the Body of Delegates from time to time to advise the reconsideration by States members of the League, of treaties which have become inapplicable, and of international conditions of which the continuance may endanger the peace of the world.

## ARTICLE 26.

The High Contracting Parties severally agree that the present Covenant is accepted as abrogating all obligations *inter se* which are inconsistent with the terms thereof, and solemnly engage that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any of the Powers signatory hereto or subsequently admitted to the League shall, before becoming a party to this Covenant, have undertaken any obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Powers to take immediate steps to procure its release from such obligations.

## ARTICLE 27.

Amendments to this Covenant will take effect when ratified by the States whose representatives compose the Executive Council and by three-fourths of the States whose representatives compose the Body of Delegates.

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TENTH MEETING, FEBRUARY 13, 1919, AT 3.30 P.M.

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Lord ROBERT CECIL *in the Chair.*

Present :

|  |                           |
|--|---------------------------|
| Colonel House . . . . .                  | United States of America. |
| Lord Robert Cecil . . . . .              | } British Empire.         |
| Lieutenant-General J. C. Smuts . . . . . |                           |

|                                  |   |                         |
|----------------------------------|---|-------------------------|
| Mr. Léon Bourgeois . . . .       | } | France.                 |
| Mr. Larnaude . . . .             | } |                         |
| Mr. Orlando <sup>1</sup> . . . . | } | Italy.                  |
| Senator Scialoja . . . .         | } |                         |
| Baron Makino . . . .             | } | Japan.                  |
| Viscount Chinda . . . .          | } |                         |
| Mr. Hymans . . . .               | . | Belgium.                |
| Mr. Epitacio Pessoa . . . .      | . | Brazil.                 |
| Mr. V. K. Wellington Koo . . . . | . | China.                  |
| Mr. Veniselos . . . .            | . | Greece.                 |
| Mr. Dmowski . . . .              | . | Poland.                 |
| Mr. Jayme Batalha Reis . . . .   | . | Portugal.               |
| Mr. Diamandy . . . .             | . | Roumania.               |
| Mr. Vesnitch . . . .             | . | Serbia.                 |
| Mr. Kramar . . . .               | . | Czecho-Slovak Republic. |

Lord Robert Cecil read Articles 8 and 9, calling attention to certain modifications which had been introduced in order that the text might embody views expressed by the French and Portuguese Delegates.

He made note of the fact that at the end of the first paragraph the words "Executive Council" had been substituted for the words "Body of Delegates."

Upon the motion of General Smuts the words "of war" were added after the word "munitions" at the end of the second paragraph.

Mr. Bourgeois directed the attention of the Commission to the danger which would be involved in giving publicity to facts regarding military preparations. In this he was supported by Mr. Batalha Reis. Mr. Bourgeois added that the question of verification of armaments as between States of good faith was an entirely different question. A programme of mutual confidence proceeding from a complete exchange of information on this subject seemed to him to offer nothing but advantages, and appeared essential to the effective operation of the League.

Moreover, it was necessary to anticipate the time when the League would extend an invitation to nations other than those which joined it at the outset. Consequently it would be necessary to take proper safeguards lest the good faith of the nations who are now Allies be taken advantage of. In a word, such a verification seemed essential if a real limitation of armaments were to be effected.

<sup>1</sup> Orlando could not have been present. He was at a meeting of the Council of Ten and spoke there, as the minutes of that meeting show.

Mr. Larnaude suggested in addition that it was quite illogical for the controller to control himself, and that it was wholly natural that a verification of armaments should be made by someone other than the maker of these armaments.

Lord Robert Cecil stated that the Drafting Committee had made an effort to approximate as nearly as possible to the French point of view, but that it appeared to be difficult under the existing system to adopt the idea of verification in its entirety.

Mr. Bourgeois said that the only way in which the French Delegation could state its point of view was through the medium of amendment, inasmuch as the text of the French proposals for a League of Nations had not been used as the basis of discussion. The issue which was now presented was of such importance that the Commission should vote upon the French amendment.

Mr. Larnaude believed that secret preparations of armaments and military plans were always possible, and that the only way to ascertain the activities of one's neighbour was to create an international Commission whose duty it would be to exercise the proper surveillance.

Mr. Kramar said that although the Allies trusted one another, it was important to establish guarantees against Germany and to create a special control for her.

Mr. Bourgeois agreed with Mr. Kramar; but he thought that it would be difficult in an association to use two tests and two measures. Such rules as would be established ought to apply equally to all nations associated in the League. Therefore, these rules should be laid down in such a way as to take into account the possible bad faith of one of the members of the League. One was forced to foresee that certain States might fail to keep their promises. Would it not therefore be necessary for the League to establish means to discover these violations of the Covenant and to suppress them? As far as its form was concerned, that was of little importance; whatever manner of expression might be the most suitable could be adopted.

Mr. Veniselos likewise thought that it was necessary to establish a system of surveillance and of control.

Mr. Kramar proposed that the following words should be added to Article 7:—

“Nevertheless, any special conditions relating to military or naval forces imposed by the Treaty of Peace upon any State shall not be affected by the fact of the admission of that State into the League.”

Mr. Vesnitch believed that Article 9, with the modifications which had been made by the Drafting Committee, afforded guarantees against the fears expressed by the French Delegates.

Lord Robert Cecil again observed that all the general staffs of Europe knew of Germany's preparations for war.

Mr. Larnaude recalled the fact that at the battle of Charleroi the number of German divisions exceeded by thirty the expectations of the French general staff. No one had been able to foresee this number of troops, which was the result of a clever concealment of the number of German effectives.

Mr. Bourgeois said that by a thorough-going supervision of armaments the League of Nations would discourage any attempt at war. On the other hand, if such verification were not established every ambitious State, or State of imperialistic leanings, would have plenty of time to organise itself secretly and to proceed with a sudden attack. War would be encouraged by the lack of such verification.

Mr. Diamandy thought that the principle of surveillance was right, but that its application would be extremely difficult.

Mr. Bourgeois said that public opinion in France unanimously demanded that this principle be established.

Lord Robert Cecil, with a view to conciliation, proposed the following text: "A permanent commission shall be constituted to advise the League of the execution of the provisions of Article 7<sup>1</sup> and on military and naval questions generally."

This provision would make it the duty of the Commission to ensure the execution of Article 9<sup>1</sup> without the creation of a "control" properly so-called.

Mr. Bourgeois observed that this amendment gave no more power to the single Commission than the original text had given to it. Therefore he asked that the French amendment be put to the vote.

This amendment was rejected by a vote of 12 to 3.

Lord Robert Cecil called attention to the fact that the Drafting Committee had substituted in Article 8 the words "full and frank interchange of information" for the word "publicity."

Article 8 was adopted with these modifications.

The Commission examined Mr. Kramar's amendment, intended to establish a special control for Powers later to be admitted into the League.

Mr. Rolin-Jaequemyns, who had temporarily replaced Mr. Hymans, opposed the amendment as contrary to the spirit of the Covenant. So long as we distrusted Germany, we ought to refuse to allow her to enter the League, but it would be illogical to admit her as a member and at the same time subject her to special measures of control.

After an interchange of views between Mr. Kramar, Senator Scialoja and General Smuts, the amendment was rejected.

<sup>1</sup> Error for 8.

Article 9 was presented by Lord Robert Cecil as a separate article in the wording set out above: "A permanent commission shall be constituted to advise the League of the execution of the provisions of Article 8 and on military and naval questions generally."

Mr. Bourgeois recalled the fact that the French Delegation had proposed an amendment to Article 9 on the following lines: "A permanent body shall be created in order to plan and prepare the military and naval programme, by which obligations imposed upon the High Contracting Parties by the present Covenant shall be enforced, and in order to give immediate effect to it in any urgent situation that may arise."

Lord Robert Cecil observed that the French proposal aimed at the creation of an international General Staff, which should study military and naval questions, as well as the means by which effective action might be secured. The League of Nations, however, could not be considered as an alliance against Germany. Nothing would more quickly imperil peace. Furthermore, no country would agree to the establishment of an international General Staff, empowered to interfere with its own military and naval programme.

Mr. Bourgeois explained the purpose of this amendment. It was in no way intended to create an international army stationed at, or operating from, a given point. It was simply the question of creating an understanding between the military authorities of the different nations associated in the League, so that they might be ready to furnish part of their national forces quickly in case of sudden attack from a nation either within or without the League.

If such an understanding were not provided, there would be the danger of finding one's self in a state of disorganisation, like that in which the free nations found themselves when Germany invaded Belgium. It was therefore necessary, above all, to provide an organisation, no matter what name were given to it, whose chief object would be to ensure prompt and effective military action on the part of the League of Nations. Such a provision, he thought, was absolutely necessary, not only for the safety of nations exposed to "geographic risks," but also for the defense of the League itself.

Mr. Larnaude, in support of these remarks, said that if the League of Nations was going to impose a régime of peace upon all people, it was necessary that it be known that the League possessed the means of bringing this about. Such a result, however, would be impossible to attain unless a central organisation should be built up during times of peace, which should be ready to act at once against an obstinate or bellicose Power.

Mr. Vesnitch recalled the words of the text proposed by the Drafting Committee. He believed that this phraseology should give complete satisfaction to the French Delegation. As far as the French amendment was concerned it introduced the idea of dis-

trust among the members of the League by assuming that one of them might violate the Covenant, and that a strict control was necessary.

Mr. Bourgeois answered that the phraseology made little difference, but the essential thing was the idea of a military and naval organisation built up during times of peace by the League of Nations. If this were not done, the League would be caught off its guard.

Mr. Hymans was not very much impressed by the apprehensions voiced by Mr. Vesnitch concerning evidences of mistrust within the League of Nations. It would be right and proper at least to demand adequate guarantees, and especially for the countries which, like Belgium were most exposed because of their geographical position. That could hardly offend the susceptibilities of anyone. On the other hand, he did not see any important difference between the amendment proposed by the Committee and that proposed by the French Delegation, only that the last one was much clearer. He would vote for this amendment, but would not refuse to accept the article without it, if it was defeated.

Mr. Larnaude assured him that there was a difference particularly arising from the words, "to prepare military and naval plans by which it can be effected."

Lord Robert Cecil and Mr. Bourgeois both stated that they had gone as far as the public opinion of their respective countries would allow them to go.

The amendment was defeated by vote. Article 9 was adopted.

Lord Robert Cecil read Articles 10, 11, and 12.

Mr. Koo pointed out that the language of Article 12 would seem to imply that the requirement of three months delay before resorting to war, and the absolute prohibition to resort to war in certain other cases, did not at all apply in respect of the recommendations of the Body of Delegates.

Lord Robert Cecil remarked that the point was an important one, and suggested that the Drafting Committee should include Article 12 in the last paragraph of Article 15, so as to cover the point raised.

Articles 10, 11, and 12 were then adopted.

Lord Robert Cecil read Article 13, which was adopted.

Lord Robert Cecil read Article 14.

Mr. Bourgeois repeated the remarks which he had already made concerning the Preamble, and thought it unfortunate that no mention should be made of all that had been accomplished in 1899 and 1907 at The Hague.

The work of The Hague was not in vain, and the United States had been particularly instrumental in bringing about the first arbitration of the Court at The Hague in 1902, in participating in the Commission of Inquiry into the Doggerbank affair (1905), and in

proposing an international Court of Justice (1907). The very same criticisms which had been directed toward the work of The Hague would be directed toward the work which was now being undertaken by the Commission. An effort would be made to show that it was vain and futile. Thirty-two free nations were associated together at The Hague in a common spirit of law, and many international settlements of the greatest importance had been brought about thanks to the procedure of The Hague. It would be a very good thing if the legal precedents of the work now at hand should be recalled in the text of the Covenant.

Mr. Larnaude supported these remarks, and observed that the sanctions instituted against Germany were the result of the Hague Conventions.

Mr. Batalha Reis supported the view of the French Delegation.

Lord Robert Cecil said that so far as English and American opinion was concerned, there was no intention of minimising the work of The Hague, and that no hostility toward it should be inferred from the fact that no reference would be made to it in the Covenant.

Colonel House agreed with this point of view, and stated that the United States, as well as other countries, had ratified the Hague Convention with certain reservations which would raise most delicate issues.

Following this exchange of opinion, Article 14 was adopted by vote.

Lord Robert Cecil read Article 15, which was adopted.

Lord Robert Cecil read Article 16.

On the suggestion of Mr. Larnaude, the words "so far as possible" were struck out.

Baron Makino asked whether the Article contemplated the suppression of all private intercourse between individuals.

Lord Robert Cecil answered that experience with the blockade had demonstrated the need of putting an end to relations of every kind with a blockaded country.

Mr. Koo noted the effect of the article which would allow each State to declare war, on its own initiative, against any nation which might be an aggressor.

Article 16 was adopted.

Lord Robert Cecil read Article 17.

Mr. Bourgeois pointed out the necessity of keeping in mind, in connection with the application of sanctions, not only Article 10, but also Articles 11 and 13. The sanctions considered as necessary in the case provided for in Article 10, and in the case of an unanimous decision of the Executive Council, were not indicated in Article 17 as being applicable in the same way. There was, therefore, a deficiency, which it would be well to make good, and he made a reservation on the matter, which was referred to the Drafting Committee.

Article 17 was adopted.

Lord Robert Cecil read Article 18.

Lord Robert Cecil, General Smuts and Colonel House requested that note should be made in the minutes that this article applied to the countries which were mentioned in the Draft Arms Traffic Convention.

Article 18 was adopted.

Lord Robert Cecil read Article 19.

Mr. Hymans proposed that the equality of treatment for all the States members of the League should be established as well in South West Africa and the islands of the Pacific as in the other German colonies of Central Africa. He did not see why some of those colonies should be placed under special rules.

General Smuts requested that the Commission should not discuss this matter, as the very point emphasised by Mr. Hymans had been the object of long discussions at the Council of Ten before being so decided.

Mr. Hymans answered that he was willing not to insist, but reserved his right to discuss the question further at one of the meetings of the plenary Conference.

Mr. Bourgeois made the same reservation.

Mr. Bourgeois reminded the Chairman that he had proposed an amendment to Article 19 (previously Article 17).

Article 19 was adopted.

Lord Robert Cecil read Article 20.

Article 20 was adopted.

Lord Robert Cecil read Article 21.

Colonel House wished to make known to the Commission the importance which President Wilson attached to the inclusion of this article.

Mr. Larnaude, while appreciating the importance with might attach to a proclamation of the inviolability of the human conscience and the exercise of religion, nevertheless thought it difficult to include a clause on the matter. In any case, the anxieties of President Wilson related to countries which were not members of the actual League.

Baron Makino read the following note:—

“The additional clause I am about to propose, I consider as coming appropriately under Article 21. It is not necessary to dwell on the fact that racial and religious animosities have constituted a fruitful source of trouble and warfare among different peoples throughout history, often leading to deplorable excesses. This article, as it stands, attempts to eliminate religious causes of strife from international relationship, and as the race question is also a standing difficulty which may become acute and dangerous at any moment in the future, it is desirable that a provision should be made in this Covenant for the treatment of this subject. It would seem that

matters of religion and race could well go together. I wish to add the clause:—

‘The equality of nations being a basic principle of the League of Nations, the High Contracting Parties agree to accord, as soon as possible, to all alien nationals of States members of the League, equal and just treatment in every respect, making no distinction, either in law or fact, on account of their race or nationality.’

directly after the end of the article as it stands. That race discrimination still exists, in law and in fact, is undeniable, and it is enough here simply to state the fact of its existence. I am aware of the difficult circumstances that stand in the way of acting on the principle embodied in this clause, but I do not think it insurmountable if sufficient importance is attached to the consideration of serious misunderstanding between different peoples, which may grow to an uncontrollable degree, and it is hoped that the matter may be taken in hand at such an opportunity as the present. What was deemed impossible before is about to be accomplished. The creation of this League itself, which the efforts of many generations of the best minds failed to accomplish, is a notable example. If this organisation can open a way to the solution of the question, the scope of the work will become wider and enlist the interest of a still greater part of humanity.

“It must be admitted, at the same time, that the question of race prejudice is a very delicate and complicated matter, involving play of deep human passion, and therefore requiring careful management. This consideration has not been overlooked from a practical point of view, and an immediate realisation of the ideal equality of treatment between peoples is not proposed. The clause enunciates the principle of equality, and leaves the working out of it in the hands of the responsible leaders of the States members of the League, who will not neglect the state of public opinion. This clause, in a way, may be regarded as an invitation to the Governments and peoples concerned to examine the question more closely and seriously, and to devise some acceptable means to meet a deadlock which at present confronts different peoples.

“As the result of this war, the wave of national and democratic spirit has extended to remote corners of the world, and has given additional impulse to the aspirations of all peoples; this impulse, once set in motion as part of the universal movement with renewed strength, cannot be stifled, and it would be imprudent to treat this symptom lightly.

“There are other considerations of a more direct nature which merit earnest thought. The future States members of the League, comprising all kinds of races, constitute a great family of nations. It is in a sense a world organisation of insurance against aggression

and war. If one member's independence and political integrity is menaced by a third Power, a nation or nations suitably placed must be prepared to take up arms against the aggressor, and there are also cases of enforcing common obligation which would entail contribution of armed force. These are indeed serious obligations to which each State member, in accordance with its capability and power, mutually pledges itself, and must be prepared to fulfil them for the benefit of their brother nations. This means that a citizen of one nation must be ready to share the military expenditure for the common cause and, if need be, defend other peoples by his own person. Seeing these new duties arising before him as the result of his country's entering the League, each national would like to feel and in fact demand that he should be placed on an equal footing with people he undertakes to defend even with his life.

"In this war, to attain the common cause, different races have fought together on the battlefield, in the trenches, on the high seas, and they have helped each other and brought succour to the disabled, and have saved the lives of their fellow men irrespective of racial differences, and a common bond of sympathy and gratitude has been established to an extent never before experienced. I think it only just that after this common suffering and deliverance the principle at least of equality among men should be admitted and be made the basis of future intercourse."

Lord Robert Cecil remarked that this subject had been dealt with in long and difficult discussions. It was a question which had raised extremely serious problems within the British Empire. It was a matter of a highly controversial character, and in spite of the nobility of thought which inspired Baron Makino, he thought that it would be wiser for the moment to postpone its examination.

Mr. Koo stated that the Chinese Government and people were deeply interested in the question brought up by Baron Makino, adding that he was naturally in full sympathy with the spirit of the proposed amendment. But pending the receipt of instructions from his Government, he would reserve his right of discussion for the future, and request that the reservation be recorded in the Minutes.

Mr. Veniselos was of the opinion that questions of race and religion would certainly be dealt with in the future by the League of Nations, but that it would be better for the moment not to allude to them.

Several members of the Commission agreed with this view.

Colonel House said that he would inform President Wilson of the opinion of the Commission on this matter, and that in any case he would reserve the right of the President to raise the question again at the Conference.

With this reservation, Article 21 was dropped from the Covenant. Lord Robert Cecil read Article 22.

Mr. Pessoa pointed out that Article 22 established freedom of

transit for the commerce of the members of the League. Some States had already made contracts dealing with the control of their ports, which involved duties to be paid by all boats and goods which made use of the quays. What should be the position of these States with regard to the concessionnaires who held such contracts? It appeared that such States could not undertake to accord freedom of transit, and that they were bound by their contracts. He would, therefore, be compelled to make a reservation on this matter.

Lord Robert Cecil replied that it was simply a question of establishing a general principle for cases where a State owned both banks of a river. In such cases it was necessary to guarantee that the free use of the river should be assured to other States which were situated further up the stream.

Mr. Diamandy observed that this explanation should be recorded in the Minutes.

Mr. Hymans claimed the liberty for all to make commercial agreements, and claimed also special economic treatment in the future for countries who had suffered devastation by the Germans.

Mr. Batalha Reis reminded the Commission of the observations he had made on the same subject when Article 22 (previously Article 20) was discussed. He associated himself with what Mr. Pessoa had said in connection with the words "freedom of transit" in Article 22.

Lord Robert Cecil replied that these anxieties were absolutely safeguarded by the wording of the article.

Article 22 was adopted.

Lord Robert Cecil then read Article 23.

Article 23 was adopted.

Lord Robert Cecil then read Article 24.

Article 24 was adopted.

Lord Robert Cecil then read Article 25.

Article 25 was adopted.

Mr. Bourgeois was struck by the similarity of the objects which it was sought to attain by Articles 25 and 26, and thought that they could be put together into a single article.

Mr. Hymans called the attention of the Commission to the necessity that the States should examine existing treaties in order to discover whether or not they were in conflict with the present Covenant.

Lord Robert Cecil read Article 26.

Article 26 was adopted.

Lord Robert Cecil read Article 27.

Article 27 was adopted.

Lord Robert Cecil announced that the Covenant had now, in its second reading, been adopted by the Commission. The Covenant, with the exception of Article 21, would be read on the following

day at the Plenary Session of the Conference. There would be no vote, however, taken at that time.

The text of the Covenant, as adopted, is contained in the Annex.

*(The Meeting adjourned at 7.45 P.M.)*

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*Annex to Minutes of Tenth Meeting.*

COVENANT.

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*Preamble.*

In order to promote international co-operation and to secure international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honourable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another, the Powers signatory to this Covenant adopt this constitution of the League of Nations.

ARTICLE I.

The action of the High Contracting Parties under the terms of this Covenant shall be effected through the instrumentality of meetings of a Body of Delegates representing the High Contracting Parties, of meetings at more frequent intervals of an Executive Council, and of a permanent international Secretariat to be established at the Seat of the League.

ARTICLE 2.

Meetings of the Body of Delegates shall be held at stated intervals and from time to time as occasion may require for the purpose of dealing with matters within the sphere of action of the League. Meetings of the Body of Delegates shall be held at the Seat of the League, or at such other place as may be found convenient, and shall consist of representatives of the High Contracting Parties. Each of the High Contracting Parties shall have one vote, but may have not more than three representatives.

ARTICLE 3.

The Executive Council shall consist of representatives of the United States of America, the British Empire, France, Italy, and Japan, together with representatives of four other States, members

of the League. The selection of these four States shall be made by the Body of Delegates on such principles and in such manner as they think fit. Pending the appointment of these representatives of the other States, representatives of \_\_\_\_\_ shall be members of the Executive Council.

Meetings of the Council shall be held from time to time as occasion may require, and at least once a year at whatever place may be decided on, or failing any such decision, at the Seat of the League, and any matter within the sphere of action of the League or affecting the peace of the world may be dealt with at such meetings.

Invitations shall be sent to any Power to attend a meeting of the Council at which matters directly affecting its interests are to be discussed, and no decision taken at any meeting will be binding on such Power unless so invited.

#### ARTICLE 4.

All matters of procedure at meetings of the Body of Delegates or the Executive Council, including the appointment of committees to investigate particular matters, shall be regulated by the Body of Delegates or the Executive Council, and may be decided by a majority of the States represented at the meeting.

The first meeting of the Body of Delegates and of the Executive Council shall be summoned by the President of the United States of America.

#### ARTICLE 5.

The permanent Secretariat of the League shall be established at \_\_\_\_\_, which shall constitute the Seat of the League. The Secretariat shall comprise such secretaries and staff as may be required, under the general direction and control of a Secretary-General of the League, who shall be chosen by the Executive Council; the Secretariat shall be appointed by the Secretary-General, subject to confirmation by the Executive Council.

The Secretary-General shall act in that capacity at all meetings of the Body of Delegates or of the Executive Council.

The expenses of the Secretariat shall be borne by the States members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

#### ARTICLE 6.

Representatives of the High Contracting Parties and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities, and the buildings occupied by the League or its officials or by representatives attending its meetings shall enjoy the benefits of extraterritoriality.

## ARTICLE 7.

Admission to the League of States not signatories to the Covenant and not named in the Protocol hereto as States to be invited to adhere to the Covenant, requires the assent of not less than two-thirds of the States represented in the Body of Delegates, and shall be limited to fully self-governing countries, including Dominions and Colonies.

No State shall be admitted to the League unless it is able to give effective guarantees of its sincere intention to observe its international obligations, and unless it shall conform to such principles as may be prescribed by the League in regard to its naval and military forces and armaments.

## ARTICLE 8.

The High Contracting Parties recognise the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations, having special regard to the geographical situation and circumstances of each State; and the Executive Council shall formulate plans for effecting such reduction. The Executive Council shall also determine for the consideration and action of the several Governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Executive Council.

The High Contracting Parties agree that the manufacture by private enterprise of munitions and implements of war lends itself to grave objections, and direct the Executive Council to advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those countries which are not able to manufacture for themselves the munitions and implements of war necessary for their safety.

The High Contracting Parties undertake in no way to conceal from each other the condition of such of their industries as are capable of being adapted to warlike purposes or the scale of their armaments, and agree that there shall be full and frank interchange of information as to their military and naval programmes.

## ARTICLE 9.

A permanent Commission shall be constituted to advise the League on the execution of the provisions of Article 8 and on military and naval questions generally.

## ARTICLE 10.

The High Contracting Parties undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Executive Council shall advise upon the means by which this obligation shall be fulfilled.

## ARTICLE 11.

Any war or threat of war, whether immediately affecting any of the High Contracting Parties or not, is hereby declared a matter of concern to the League, and the High Contracting Parties reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the High Contracting Parties to draw the attention of the Body of Delegates or of the Executive Council to any circumstances affecting international intercourse which threaten to disturb international peace or the good understanding between nations upon which peace depends.

## ARTICLE 12.

The High Contracting Parties agree that should disputes arise between them which cannot be adjusted by the ordinary processes of diplomacy, they will in no case resort to war without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council and until three months after the award by the arbitrators or a recommendation by the Executive Council; and that they will not even then resort to war as against a member of the League which complies with the award of the arbitrators or the recommendation of the Executive Council.

In any case under this Article, the award of the arbitrators shall be made within a reasonable time, and the recommendation of the Executive Council shall be made within six months after the submission of the dispute.

## ARTICLE 13.

The High Contracting Parties agree that whenever any dispute or difficulty shall arise between them which they recognise to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration. For this purpose the Court of arbitration to which the case is referred shall be the Court agreed on by the parties or stipu-

lated in any Convention existing between them. The High Contracting Parties agree that they will carry out in full good faith any award that may be rendered. In the event of any failure to carry out the award, the Executive Council shall propose what steps can best be taken to give effect thereto.

#### ARTICLE 14.

The Executive Council shall formulate plans for the establishment of a Permanent Court of International Justice and this Court shall, when established, be competent to hear and determine any matter which the parties recognise as suitable for submission to it for arbitration under the foregoing Article.

#### ARTICLE 15.

If there should arise between States members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as above, the High Contracting Parties agree that they will refer the matter to the Executive Council; either party to the dispute may give notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties agree to communicate to the Secretary-General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Executive Council may forthwith direct the publication thereof.

Where the efforts of the Council lead to the settlement of the dispute, a statement shall be published indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate. If the dispute has not been settled, a report by the Council shall be published, setting forth with all necessary facts and explanations the recommendation which the Council think just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the Council other than the parties to the dispute, the High Contracting Parties agree that they will not go to war with any party which complies with the recommendation and that, if any party shall refuse so to comply, the Council shall propose the measures necessary to give effect to the recommendation. If no such unanimous report can be made, it shall be the duty of the majority and the privilege of the minority to issue statements indicating what they believe to be the facts and containing the recommendations which they consider to be just and proper.

The Executive Council may in any case under this article refer the dispute to the Body of Delegates. The dispute shall be so referred at the request of either party to the dispute, provided that such request must be made within fourteen days after the submission

of the dispute. In any case referred to the Body of Delegates all the provisions of this article and of article 12 relating to the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates.

#### ARTICLE 16.

Should any of the High Contracting Parties break or disregard its covenants under article 12, it shall thereby *ipso facto* be deemed to have committed an act of war against all the other members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the League or not.

It shall be the duty of the Executive Council in such case to recommend what effective military or naval force the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The High Contracting Parties agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will afford passage through their territory to the forces of any of the High Contracting Parties who are co-operating to protect the covenants of the League.

#### ARTICLE 17.

In the event of disputes between one State member of the League and another State which is not a member of the League, or between States not members of the League, the High Contracting Parties agree that the State or States not members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Executive Council may deem just, and upon acceptance of any such invitation, the above provisions shall be applied with such modifications as may be deemed necessary by the League.

Upon such invitation being given the Executive Council shall immediately institute an inquiry into the circumstances and merits of the dispute and recommend such action as may seem best and most effectual in the circumstances.

In the event of a Power so invited refusing to accept the obligations of membership in the League for the purposes of such dispute, and taking any action against a State member of the League which in the case of a State member of the League would constitute a breach of article 12, the provisions of article 16 shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Executive Council may take such action and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

#### ARTICLE 18.

The High Contracting Parties agree that the League shall be entrusted with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest.

#### ARTICLE 19.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in the constitution of the League.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position, can best undertake this responsibility and that this tutelage should be exercised by them as mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a mandatory Power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory Power.

Other peoples, especially those of Central Africa, are at such a

stage that the mandatory must be responsible for the administration of the territory subject to conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases, and of military training of the natives for other than police purposes, and the defence of territory, and will also secure equal opportunities for the trade and commerce of other members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the mandatory State, and other circumstances, can be best administered under the laws of the mandatory State as integral portions thereof, subject to the safeguards above-mentioned in the interests of the indigenous population.

In every case of mandate, the mandatory State shall render to the League an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory State shall if not previously agreed upon by the High Contracting Parties in each case be explicitly defined by the Executive Council in a special Act or Charter.

The High Contracting Parties further agree to establish at the Seat of the League a Mandatory Commission to receive and examine the annual reports of the Mandatory Powers, and to assist the League in ensuring the observance of the terms of all mandates.

#### ARTICLE 20.

The High Contracting Parties will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend; and to that end agree to establish as part of the organisation of the League a permanent Bureau of Labour.

#### ARTICLE 21.

The High Contracting Parties agree that provision shall be made through the instrumentality of the League to secure and maintain freedom of transit and equitable treatment for the commerce of all States members of the League, having in mind, among other things, special arrangements with regard to the necessities of the regions devastated during the war of 1914-1918.

## ARTICLE 22.

The High Contracting Parties agree to place under the control of the League all international bureaux already established by general treaties if the parties to such treaties consent. Furthermore, they agree that all such international bureaux to be constituted in future shall be placed under the control of the League.

## ARTICLE 23.

The High Contracting Parties agree that every treaty or international engagement entered into hereafter by any State member of the League, shall be forthwith registered with the Secretary-General, and as soon as possible published by him, and that no such treaty or international engagement shall be binding until so registered.

## ARTICLE 24.

It shall be the right of the Body of Delegates from time to time to advise the reconsideration by States members of the League, of treaties which have become inapplicable, and of international conditions of which the continuance may endanger the peace of the world.

## ARTICLE 25.

The High Contracting Parties severally agree that the present Covenant is accepted as abrogating all obligations *inter se* which are inconsistent with the terms thereof, and solemnly engage that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any of the Powers signatory hereto or subsequently admitted to the League shall, before becoming a party to this Covenant, have undertaken any obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

## ARTICLE 26.

Amendments to this Covenant will take effect when ratified by the States whose representatives compose the Executive Council and by three-fourths of the States whose representatives compose the Body of Delegates.

ELEVENTH MEETING, MARCH 22, 1919, AT [3 P.M.]

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 President Wilson *in the Chair*.

## Present :

|                          |   |   |   |                             |
|--------------------------|---|---|---|-----------------------------|
| President Wilson         | . | . | . | } United States of America. |
| Colonel House            | . | . | . |                             |
| Lord Robert Cecil        | . | . | . | British Empire.             |
| Mr. Léon Bourgeois       | . | . | . | } France.                   |
| Mr. Larnaude             | . | . | . |                             |
| Mr. Orlando              | . | . | . | } Italy.                    |
| Senator Scialoja         | . | . | . |                             |
| Baron Makino             | . | . | . | } Japan.                    |
| Viscount Chinda          | . | . | . |                             |
| Mr. Hymans               | . | . | . | Belgium.                    |
| Mr. Epitacio Pessoa      | . | . | . | Brazil.                     |
| Mr. V. K. Wellington Koo | . | . | . | China.                      |
| Mr. Veniselos            | . | . | . | Greece.                     |
| Mr. Dmowski              | . | . | . | Poland.                     |
| Mr. Jayme Batalha Reis   | . | . | . | Portugal.                   |
| Mr. Diamandy             | . | . | . | Roumania.                   |
| Mr. Vesnitch             | . | . | . | Serbia.                     |
| Mr. Kramar               | . | . | . | Czecho-Slovak Republic.     |

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At the request of President Wilson, Lord Robert Cecil explained that two meetings had been held under his chairmanship, at which views had been exchanged with the representatives of 13 neutral Governments. The neutrals had seemed to show general approval of the Covenant. In accordance with the desire of an illustrious member of the Peace Conference, he proposed that any suggestions made by, or intended to satisfy, the neutrals should be put forward as coming from members of the Commission. This was agreed to.

President Wilson said the Commission would now resume the consideration of the Covenant.

## PREAMBLE.

Lord Robert Cecil pointed out a difficulty in the present phrasing. It was intended that the Covenant should form part of the Peace Treaty, which was to be signed by the Germans. Consequently Germany would be one of the High Contracting Parties. In this case the present wording would make Germany a member of the League.

He proposed a method by which Germany might be made to agree to the Covenant without becoming a member of the League. The end of the Preamble should run: "The High Contracting Parties agree to the following Covenant as the constitution of the League of Nations" and "States members of the League" should be substituted for "High Contracting Parties" in the body of the Covenant. This was agreed to.

Mr. Hymans said that he had a number of amendments to propose which, however, were amendments of form only. He asked that he might be allowed to submit them as a whole to the Drafting Committee.

This was agreed to by the Commission.

It was further agreed that the Drafting Committee which would be required later should have orders to make no changes of meaning; when the Committee had finished its work, the revised draft should be circulated to members of the Commission; if anyone objected, the old wording should stand.

#### ARTICLE 1.

Mr. Larnaude suggested that the French equivalents of the words "meetings of" and "meetings at more frequent intervals of" seemed to destroy continuity of action on the part of the League, and to give it a casual character. On his motion, therefore, these words were struck out.

#### ARTICLE 2.

Lord Robert Cecil proposed an amendment to the effect that the proceedings of the Body of Delegates should be public except when otherwise determined.

The Commission felt, however, that this statement would probably not give to the general public the reassurance hoped for by Lord Robert Cecil and that it was, after all, a matter of procedure which could best be regulated by the Delegates themselves. The amendment was withdrawn.

#### ARTICLE 3.

In order to meet criticism that the League was dominated by the five Great Powers, Lord Robert Cecil moved to insert after the words "think fit" in the first paragraph the words "The representatives of States not permanently represented on the Council shall not participate in this selection."

The amendment was withdrawn in deference to the opinion of Mr. Vesnitch and Mr. Hymans, who believed that more suitable

representatives of the smaller Powers would be chosen if the larger Powers participated in their election.

Lord Robert Cecil moved the following amendment as a second paragraph of the Article: "The Executive Council may, subject to the approval of the majority of the Body of Delegates, co-opt on to the Council representatives of States other than those specified above, provided that in any such increase due regard shall be had to just proportional representation of States not permanently represented on the Council." He pointed out that this change would make it possible for the Executive Council to enlarge its own membership without the necessity of a formal amendment to the Covenant. Such a provision would tend to make the League more attractive to newcomers as well as to the smaller States.

This amendment was adopted.

Mr. Hymans proposed an amendment as follows:

"The Executive Council shall be composed of nine members to be elected by the Body of Delegates from among its number. These nine members shall be chosen as from nine separate States, but they shall always include a citizen of the United States, the British Empire, France, Italy and Japan.

He said that the election of the members of the Council by the Body of Delegates would increase their prestige and would be an international recognition of their distinguished character.

Lord Robert Cecil remarked that the decisions of the Council would lose a great deal of necessary authority if the representatives of the Great Powers were not directly appointed by the Powers themselves.

This amendment was thereupon withdrawn.

Mr. Hymans proposed an amendment suggesting that a distinction should be drawn between the functions of the Executive Council and those of the Body of Delegates.

President Wilson said that such a distinction would probably be interpreted as a limitation on the power of the Body of Delegates. He added that the Executive Council would by its nature be better fitted for action, but that this action might be the subject of discussion by the Body of Delegates.

After discussion, Mr. Hymans expressed his satisfaction with President Wilson's explanation, and withdrew his proposal.

Lord Robert Cecil moved an amendment to the last paragraph after the words "to attend" so as to run "and sit as a member at any meeting of the Council at which matters directly affecting its interests are to be discussed." This amendment represented a return to an earlier wording of the Covenant and was brought forward again in order to avoid ambiguity. The amendment was adopted.

## ARTICLE 4.

Lord Robert Cecil moved the following amendment:—

“Except where otherwise expressly provided in the present Covenant, decisions at any meeting of the Body of Delegates or of the Executive Council require the agreement of all the States represented at the meeting.”

He said that this amendment was merely a specific statement of a fundamental principle of the League; but that its statement would clear away many misapprehensions. The amendment was adopted.

## ARTICLE 5.

President Wilson read a letter from the Swiss Government, offering the hospitality of Switzerland to the League.

Mr. Hymans then spoke as follows:—

“I have heard from several quarters that there is talk of establishing the Seat of the League in some neutral country.

At a previous meeting I expressed the desire that Brussels should be made the Seat of the League, and President Wilson was kind enough to say that he and all the members of the Commission had listened to my words with sympathy. I think it my duty to remind the Commission at this time of the proposals officially placed before the Allied Powers by the Belgian Government, proposals which have the entire support of Belgian opinion.

For any country to be chosen as the Seat of the League will be a signal and precious honour, and Belgium thinks that she is entitled to ask for that glory by way of compensation.

Whatever may be the decision, the Belgian nation will be cruelly disappointed if the choice should fall upon some country which has not borne its share of the sufferings of the war which led to this final triumph of justice. If such a decision were made, public opinion would lose its faith and its hopes in the League.

Brussels is a great centre of intellectual and legal life. It is in easy communication with the world.

The Commission should not forget that through all this war Belgium has been the very symbol of the cause of Right, and has rendered to that cause services which have made her the admiration of all mankind.

Such are the motives behind our aspirations. I lay them before the opinion of the Allied and Associated countries.”

President Wilson then suggested that he should appoint a small committee to consider where the Seat of the League should be. This suggestion was agreed to.

Lord Robert Cecil moved to amend the first paragraph of the Article to read after the words “Secretary-General of the League,” “The first Secretary-General shall be the person named in the pro-

tolcol hereto and his successors shall be chosen by the Body of Delegates on the nomination of the Executive Council." This amendment was suggested in order that the work of the League might begin at the earliest possible moment. The amendment was adopted.

#### ARTICLE 6.

Mr. Larnaude proposed to substitute the word "inviolability" as a more accurate expression than the word "extraterritoriality." This suggested change was referred to the Drafting Committee for examination.

#### ARTICLE 7.

Lord Robert Cecil moved to amend this Article to read as follows:—

"The original members of the League shall be those States which are named in the Protocol hereto. Any fully self-governing State, including dominions and colonies, may become a member of the League if its admission is agreed to by a two-thirds majority of the Body of Delegates, provided that it is able to give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its Naval and Military forces and armaments."

The purpose of this amendment was to give a more ready welcome to newcomers by substituting a positive for a negative form of wording. Only a slight modification in the form of the Article was necessary in order to change its spirit.

President Wilson asked whether there would be any objection to changing the two-thirds majority in the Assembly of Delegates now required for the admission of a new adherent into a simple majority, in order to carry out further the ideas expressed by Lord Robert Cecil.

Mr. Reis suggested that the Allied States should be the original members of the League and that the other States should be invited subsequently to participate.

Mr. Larnaude recalled a distinction which had previously been drawn by Lord Robert Cecil between the neutrals which should be immediately admitted into the League and those which should subsequently be admitted after fulfilling the conditions laid down in Article 7.

Mr. Hymans said the original idea of the Commission had been that the names of those neutrals which were to be invited should be contained in a protocol to take effect only after the signature of peace.

Lord Robert Cecil said that though all States without exception

might not be immediately admitted into the League, certain of them deserved to be admitted at its very foundation, and that the protocol might take effect after the signature of the Treaty of peace and before its ratification.

Mr. Bourgeois reserved the right to consult his Government before expressing an opinion upon the question whether the League of Nations should be incorporated in the Treaty of peace at the time of its signature or at the time of its ratification.

Mr. Reis made a similar reservation.

Lord Robert Cecil stated that there was nothing at issue except a simple question of form, and that the Conference might take any action it thought fit with regard to the protocol. The latter might contain the names of all the neutrals, some of the neutrals or no neutrals at all.

Mr. Hymans thought that the honour of having been the founders of the League of Nations should be reserved for those States which had participated in the war.

President Wilson believed that it was best to avoid giving to the League the appearance of an alliance between victorious belligerents, in the first place because it was a world league; in the second place, because such a policy would lead to a too exclusive spirit in considering the claims to admission of new members.

Lord Robert Cecil agreed with President Wilson.

Mr. Hymans agreed that it would be right to admit certain neutral States into the League at the earliest possible moment, but they could not be admitted at the time when the Treaty of Peace was signed. The protocol to be drawn up could not take effect until after the signature of peace.

Mr. Reis agreed with Mr. Hymans, adding that only those nations which had taken part in the war had the power to establish a lasting peace.

Mr. Bourgeois said that he had always contemplated three successive stages in the formation of the League; first, its actual formation by the belligerent Powers, in connection with the Treaty of peace to which the neutrals could naturally not be a party. Second, an invitation to certain neutrals to accede to the constitution of the League. Third, the subsequent admission of further States who should have to secure a two-thirds majority as required by the present Article.

Mr. Vesnitch shared the opinion of President Wilson and Lord Robert Cecil in believing that the neutrals should be admitted at the earliest possible moment and upon a footing of equality. It was not necessary that the victory of the Allies over Germany should be perpetuated in the creation of the League. All the world would know, as an historical fact, that the League could not have been founded without the victory of the Allies.

Mr. Orlando thought that the only difference between the new text and the old was that, under the old text, there was a logical interval between the formation of the League and the admission of neutral States. Under the new wording, this logical interval disappeared. He thought that this difference was of sentimental rather than of practical importance, and that it was better to establish the League from its inception upon the broadest basis possible.

President Wilson suggested that Lord Robert Cecil's amendment should be modified to read as follows:—

"The original members of the League shall be those of the signatories named in the schedule annexed to the Covenant, and also those other Powers named in the schedule who are hereby invited subsequently to accede to the Covenant."

After an exchange of views between Mr. Hymans, Mr. Kramar, Mr. Bourgeois and Mr. Diamandy, the amendment suggested by Lord Robert Cecil and the modification proposed by President Wilson were referred to the Drafting Committee for examination. President Wilson's amendment providing that the two-thirds vote should be reduced to a simple majority, was withdrawn.

#### ARTICLE 8.

Lord Robert Cecil proposed to modify the first paragraphs as follows:—

After the words "for effecting such reduction" add the words "for the consideration and action of the several Governments." Strike out the first part of the second sentence of the first paragraph down to the word "disarmament," and make a new sentence to read as follows: "These limits, when adopted, shall not be exceeded without the permission of the Executive Council."

This amendment was adopted subject to reference to the Drafting Committee.

Baron Makino moved to place a comma after the word "formulate" in paragraph 1 and to insert the following words: "subject to reconsideration and revision every ten years."

President Wilson suggested to insert "at least" after "revision." This amendment, as thus altered, was adopted.

Lord Robert Cecil proposed to modify the last paragraph to read:—

"The States members of the League undertake that there shall be full and frank interchange of information as to the scale of their armaments, their military and naval programmes and the condition of such of their industries as are capable of being adapted to warlike purposes."

This amendment was adopted.

Mr. Bourgeois again proposed the amendment which he had suggested at the time of the first and second readings of the Covenant. He reported that this amendment had been unanimously adopted at the recent international meeting of League of Nations societies in London.

He repeated that the object of the verification which he proposed was to prevent States of bad faith from acting in a way which would endanger international peace. The important thing in his opinion was to admit the principle of verification. Afterwards, the form which it should take might be determined in a way which would not offend the susceptibilities of any State.

Mr. Veniselos asked whether Mr. Bourgeois would be satisfied to substitute for the words "will form a commission whose duty it shall be to make the necessary investigation," the words "authorise the Executive Council to undertake the necessary investigation."

Mr. Bourgeois said that it made very little difference whether the examination were conducted by the Executive Council itself or by a commission, provided that the examination would actually be made, and provided also that the principle should be unequivocally laid down in the Covenant.

President Wilson said that in view of the principles upon which the League was to be established, such a commission would seriously offend the susceptibilities of sovereign States. A commission to discover whether nations were keeping faith or not would certainly be unwelcome in many countries.

Mr. Veniselos asked whether it was understood that the Executive Council had the right to call to account a Government which did not observe its obligations regarding the limitation of armaments.

President Wilson replied in the affirmative.

After further discussion in which Mr. Larnaude, Mr. Bourgeois and Mr. Kramar took part, Mr. Veniselos observed that the introduction of such an amendment would obviously compromise the fate of the League of Nations in many countries and notably in America.

On the other hand, he understood the interest which public opinion in France took in the proposed amendment. Nevertheless, he felt that the last paragraph of Article 7 which required, for the admission of new States, a two-thirds majority together with the acceptance of all the other conditions imposed upon the League, would give the people of France all the assurance which they required.

Mr. Bourgeois, however, persisted in his amendment, reserving the right to present it again before the Commission and before the plenary session of the Conference.

The next meeting of the Commission was fixed for March 24, at 8:30 P.M.

*(The meeting adjourned at 7 P.M.)*

TWELFTH MEETING, MARCH 24, 1919, AT 8:30 P.M.

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President WILSON *in the Chair*.

Present.

|                          |   |   |   |                             |
|--------------------------|---|---|---|-----------------------------|
| President Wilson         | . | . | . | } United States of America. |
| Colonel House            | . | . | . |                             |
| Lord Robert Cecil        | . | . | . | British Empire.             |
| Mr. Léon Bourgeois       | . | . | . | } France.                   |
| Mr. Larnaude             | . | . | . |                             |
| Mr. Orlando              | . | . | . | } Italy.                    |
| Senator Scialoja         | . | . | . |                             |
| Baron Makino             | . | . | . | } Japan.                    |
| Viscount Chinda          | . | . | . |                             |
| Mr. Hymans               | . | . | . | Belgium.                    |
| Mr. Epitacia Pessoa      | . | . | . | Brazil.                     |
| Mr. V. K. Wellington Koo | . | . | . | China.                      |
| Mr. Dmowski              | . | . | . | Poland.                     |
| Mr. Jayme Batalha Reis   | . | . | . | Portugal.                   |
| Mr. Diamandy             | . | . | . | Roumania.                   |
| Mr. Vesnitch             | . | . | . | Serbia.                     |
| Mr. Kramar               | . | . | . | Czecho-Slovak Republic.     |

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President Wilson read a letter from the International Council of Women asking that they might present to the Commission certain important matters which had a bearing upon the claims of women. After a discussion of this request, it was agreed that the Commission should receive a delegation from the Inter-Allied Council of Women for half an hour before the last meeting.

ARTICLE 9.

Mr. Bourgeois proposed a new amendment (Annex 1) which was intended to anticipate and prepare for military or naval operations and to secure their immediate and effective performance. He thought that it was necessary to make an explanation with regard to his proposal because of certain interpretations which the Press had placed upon the French amendments. It had been said that these amendments proposed the creation of a permanent international force on the frontiers of France and all other countries in a particularly dangerous position. This interpretation was entirely incorrect. It had been said also that the permanent organism which was contemplated by the amendments would have of itself a power of making decisions.

Such a statement likewise was erroneous, for the Executive Council, upon whose authority this Council depended, would alone be able to give instructions and orders whenever peace was threatened.

The essential idea of the French amendments was to give to the Executive Council adequate information as well as a methodical and considered plan of action from the military and naval point of view, so that, if a danger should arise, if a sudden attack should be launched, the Executive Council would be ready to take immediate decision relying upon the programme of the permanent organ. It was not only a matter of protecting the French frontier, but of protecting every frontier which might be in a dangerous geographical position; and this fact was true of a great number of frontiers in the world. The precautions to be taken, therefore, were of great importance to all peaceful nations.

The machinery contemplated by the French amendments would be the following: the permanent organ would concern itself with preparing the plan of military and naval action in such a way that, in case of necessity, each one of the Governments, retaining its sovereignty, might immediately advise its constitutional authority and submit to it a definite plan for meeting a threatened attack or any danger of a warlike character. The Parliaments of the respective Governments could only decide upon the amount of credits to be established and upon the order for mobilisation if their responsible Governments were ready to furnish them with exact information as to the extent of the military action required by the League of Nations. The French proposal, instead of causing any anxiety to constitutional authorities, was on the contrary calculated to give them all necessary guarantees concerning the extent of the effort which each country might be called upon to make. Such explanations as these would make clear the meaning of the French amendments and defeat such objections as an incorrect interpretation had provoked. The Allied Associations represented at London, which unanimously adopted the text of the French amendments, had been thoroughly convinced.

The President of the United States had recently been good enough to visit the devastated areas of France and of Belgium. It was to prevent the reappearance of such terrible destruction that the amendment proposed to Article 9 had been conceived. Its object was to eliminate the surprise which allowed such an invasion, and to give to the action of the League of Nations the greatest possible effect. Any form of words which would permit of the realisation of this object would be acceptable to the French Delegation.

Mr. Larnaude had only a word to add to the comprehensive explanation of the first French Delegate. History showed that all recent wars had begun with a sudden attack. Such was the necessity of modern war: war could not succeed unless it was unexpected and crushing. In order to create a feeling of security such as was re-

quired by the people of the invaded districts to permit them to rebuild their homes and their industries, they must be assured that the attack whose victims they had been could not be repeated, and that the League of Nations presented some new and effective safeguard for their existence.

President Wilson said that he had read the French proposal with a great deal of care. Article 9 of the Covenant made provision for a permanent Commission which should "advise the League of Nations on military and naval questions generally." The Executive Council would therefore be entirely free to direct all the necessary researches of this Commission. Inasmuch as France had a member on the Executive Council, she would be able, in case of need, to give the danger signal and insist upon the drafting of a plan of action, or of co-operation, which appeared indispensable to her. The amendment of the French Delegation did not appear to add anything important to the present text, since the latter placed no restriction upon the scope and the kind of advice which the Executive Council might ask of the Permanent Commission. Its competence was not limited and was quite broad enough to relieve all the anxieties which had been so clearly set forth by Mr. Bourgeois.

Mr. Bourgeois said that inasmuch as it was understood that Article 9 left it open to the Commission to study the protective guarantees which he asked for, there could be no objection to using a form of words which would be acceptable to public opinion. The Executive Council would remain master of the situation; but it was important that technical advice should be asked beforehand from experts of various countries and that they should have a position recognised in the Covenant itself. If they formed one of the sections of the League of Nations, they would give to the study of military questions a continuity which it would not have if their position were less clearly defined.

President Wilson observed that every definition constituted a limitation and that it was frequently preferable to adopt a larger and more elastic formula adaptable to all kinds of circumstances.

Lord Robert Cecil said that the present text of Article 9 as it stood was the result of a compromise between the original Article and the French amendment, and that it would seem difficult to change its terms further.

Mr. Kramar could not see that there was any difference between the French amendment and the text of Article 9. One might add a reference to Article 7 and change the word "League" to the words "Executive Council." In this way the control exercised by the Executive Council would be more clearly defined.

Mr. Bourgeois and Mr. Larnaudé held to the text of the French amendment, which seemed to them to be more precise. In such a matter precision was essential.

Mr. Hymans tried to reconcile the two views by proposing a text drafted as follows:—

“A permanent Commission shall be constituted to advise the Executive Council on the execution of the provisions of Articles 7 and 8 and on the military and naval means by which the obligations imposed by the present Covenant upon the High Contracting Parties shall be fulfilled.”

He added that if a *procès-verbal* of the discussion were added to the Covenant, it would be an enlightening commentary upon the meaning of the text.

Mr. Orlando was of opinion that a form of words could hardly be found wider in scope than those of Article 9, and that the amendment of Mr. Hymans would only serve to limit the scope of the text. The word “organisme” signified something quite different from “commission.” It carried with it the idea of an independent will.

Thereupon, Mr. Hymans withdrew his suggestion, and the two changes suggested by Mr. Kramar were adopted.

The French Delegation made a reservation with regard to its amendment.

#### ARTICLE 10.

President Wilson said that he intended subsequently to draft a proposed amendment to Article 10. There being no other amendments, the Article was passed, President Wilson reserving the right to bring forward his amendment at a later time.

#### ARTICLE 11.

The amendment of the British Delegation to substitute for the words “the High Contracting Parties reserve the right to” the words “the League shall” was adopted.

Mr. Larnaude proposed to add to this Article an amendment which had earlier been proposed by the French Delegation with respect to Article 3, and which was intended to permit the immediate convocation of the Executive Council in a crisis. The text, which was to constitute a third paragraph to Article 11, would be as follows:—

“Moreover in case of any occurrence calculated to imperil the maintenance of peace, the Secretary-General shall, at the request of any one of the Associated Governments, convoke the Executive Council immediately.”

This amendment was adopted in principle, subject to reference to the Drafting Committee.

#### ARTICLE 12.

Mr. Larnaude proposed an amendment (Annex 2) intended to indicate more clearly the obligation of the members of the League to

submit any difference in the first instance to inquiry or to arbitration. This amendment was referred to the Drafting Committee together with an amendment, proposed by the British Delegation, to delete the words after "Executive Council" in the first paragraph, sixth line, as far as the end of the sentence, and substitute therefor "as hereinafter provided."

Baron Makino proposed to add the following words at the end of the second paragraph:

"From the time a dispute is submitted to arbitration or to inquiry by the Executive Council, and until the lapse of the aforesaid term of three months, the parties to the dispute shall refrain from making any military preparations."

This amendment was intended to permit the League to examine the matter submitted to it without being distracted by the fact of military preparations, and in order that it might have time to make its decision with every sense of security.

President Wilson suggested that the Japanese amendment should appear as a separate Article which would provisionally be called 12 A.

Subject to these changes and reference to the Drafting Committee, the Article was adopted.

#### ARTICLE 13.

Lord Robert Cecil read an amendment (Annex 3) which was intended to draw a distinction between justiciable and non-justiciable disputes.

President Wilson suggested that the text of the British amendment should be revised so as to make clear that the cases enumerated therein were only mentioned as examples, and that the States members of the League might have recourse to arbitration in many other cases not expressly defined.

After an exchange of views between Mr. Larnaude, Lord Robert Cecil, and Mr. Vesnitch, the amendment of the British Delegation was referred to the Drafting Committee in order that President Wilson's suggestion might be utilised.

Mr. Hymans proposed another modification to this Article (Annex 4).

After discussion the amendment was adopted in principle and referred to the Drafting Committee.

#### ARTICLE 14.

Lord Robert Cecil proposed an amendment on behalf of the British Delegation (Annex 5) which was adopted.

Mr. Larnaude read an amendment (Annex 6) whose object was to define the jurisdiction of the Permanent Court of Justice and en-

trust it particularly with questions relative to the interpretation of the Covenant. He added that his proposal was based upon the American Constitution, according to which the Supreme Court has jurisdiction over questions of a constitutional nature.

Mr. Orlando thought that this definition of functions would be dangerous, and that it was preferable to leave to the Executive Council, who applied the Covenant, the duty of resolving questions of interpretation.

Lord Robert Cecil shared the opinion expressed by Mr. Orlando, and thought that paragraph "B" of the French amendment might be cut out.

After an exchange of views between Mr. Bourgeois, Baron Makino and Lord Robert Cecil, the French amendment was adopted in principle, with paragraph "B" omitted and paragraph "C" altered by cutting out the words "one of the parties" and substituting therefor the words "both parties." It was referred to the Drafting Committee for incorporation in the text, together with the British amendment, which proposed to add at the end of the article the words "and also any issue referred to it by the Executive Council or Body of Delegates."

Mr. Hymans read an amendment (Annex 7) which was intended as a new Article. The object of this amendment was to strengthen the principle of arbitration.

Mr. Orlando proposed that the Court should settle the question which the Belgian Delegation had in mind; this would avoid the creation of the machinery of a new tribunal.

Lord Robert Cecil remarked that the only case in which the Belgian amendment would apply would be that in which one of the parties should consent to go before the Court while the other party refused. This assumption raised an important political question which it would be difficult to settle by means of compulsory arbitration.

Mr. Larnau de believed that if both parties had agreed to a "*compromis*" it would be because they believed that their dispute was of a judicial nature.

Lord Robert Cecil remarked that there were certain general Conventions of arbitration which were not of the nature of "*compromis*," whereas the amendment referred only to Conventions.

After a discussion between Mr. Orlando and Mr. Hymans, the amendment was withdrawn.

#### ARTICLE 15.

Lord Robert Cecil proposed a British drafting amendment in the third line to delete the semi-colon and substitute a full stop, and to substitute "any" for "either"; this was adopted and referred to the Drafting Committee.

In the second paragraph, President Wilson proposed to omit the words following "recommendation" in line 10 to the end of the sentence. This was adopted, subject to reference to the Drafting Committee.

Lord Robert Cecil proposed on behalf of the Greek Delegation an amendment (Annex 8) which was accepted in principle and likewise referred to the Drafting Committee.

President Wilson proposed the following amendment:—

"If the difference between the parties shall be found by the Executive Council or by the Body of Delegates to be a question which by international law is solely within the domestic legislative jurisdiction of one of the parties, it shall so report, and shall make no recommendation as to its settlement."

It was agreed that the word "legislative" should be omitted.

Mr. Koo proposed to add at the end of the amendment proposed by President Wilson the words "unless a recommendation is requested by the party or parties within whose exclusive domestic jurisdiction the subject-matter lies."

The amendment of the United States Delegation together with the additional clause proposed by the Chinese Delegation was referred to the Drafting Committee.

The French amendment (Annex 9) was likewise referred to the consideration of the Drafting Committee.

Mr. Hymans read an amendment (Annex 10) the object of which was to sanction the establishment of special Conventions, by which certain States might bind themselves to accept the decisions of a simple majority of the Executive Council.

President Wilson remarked that this amendment was consistent with the general spirit of the Covenant, which authorized special Conventions of a kind calculated to support the guarantees accorded by the League of Nations.

Mr. Hymans explained that his object had been to enable the small States to agree to accept a decision reached by a simple majority. This would be one way of diminishing the chance of war.

Mr. Orlando thought that the Belgian amendment conflicted with the spirit of the Covenant. A State which had concluded special Conventions with another State might some time find itself obliged to take part in a war which the League of Nations was conducting against that State, and so there would be a conflict between its general obligation toward the League of Nations and its particular obligation to an individual State.

President Wilson observed that it had been understood that the terms of the Covenant allowed the conclusion of special Conventions intended to diminish the risk of war.

Lord Robert Cecil did not think that the League would guarantee particular Conventions.

Mr. Hymans noted President Wilson's statement on the subject of the possibility of concluding special Conventions, and felt that, under these circumstances, the object of his amendment was sufficiently safeguarded without the necessity of adding a change in the text. The amendment was withdrawn.

Lord Robert Cecil read a proposed new Article 15A (Annex 11).

This amendment, which provided for commissions of conciliation, would make it possible for the members of the Executive Council, whose time would be otherwise very much engaged, to establish commissions composed of capable men to whom they would entrust the examination of certain cases. The neutral countries had expressed a great desire that the League should contain some conciliatory organ of a non-political character.

President Wilson remarked that the Executive Council was already competent to name such commissions inasmuch as it had the right to suggest methods of conciliation.

So long as this power was expressly recognised as inhering in the Executive Council, Lord Robert Cecil was willing not to press his amendment.

#### ARTICLE 16.

The French Delegation proposed an amendment which was intended to bring under the sanctions of Article 16 not only Article 12, but Articles 8, 13 and 15 as well.

Lord Robert Cecil agreed that it would be well to include a reference to Article 15 in this connection, but considered that it would be unfortunate to bring any other article within its scope, particularly Article 8, wherein the only obligation laid down was the obligation to exchange information. It would be very severe to call into play *ipso facto* the sanctions provided by Article 16 merely because a State had not produced the information asked for.

Mr. Bourgeois yielded to the objection so far as Article 8 was concerned. As for the reference to Article 13, it seemed clear that the failure to execute a decision of the Executive Council would be a grave offence. On the other hand, it might not be advisable to lay down precisely the measures by which this Article would be rendered effective, inasmuch as it might be impossible to put the decision into execution, and one could not very well punish a State which had shown evidence of malicious intent. Refusal alone should be considered as a violation of the Covenant, and the application of the penalties should be proposed only in that event.

After an exchange of views between Lord Robert Cecil, Mr. Bourgeois and President Wilson, the French amendment was accepted with reference to Article 15 only.

Two amendments of the British Delegation were adopted: to insert after the word "recommend" the words "to the several Gov-

ernments concerned," and in paragraph 3, line 6, to insert after the word "will" the words "take the necessary steps to." It was decided to continue the examination on March 26 at 8:30 P.M.

(*The Meeting adjourned at 11 P.M.*)

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*Annexes to Minutes of Twelfth Meeting.*

*Annex 1.*

Add:—

A permanent organism shall be established to concert and prepare in advance the necessary military and naval measures for fulfilling the obligations imposed on the High Contracting Parties by this Covenant, and to ensure that they shall be immediately effective in any case of emergency.

*Annex 2.*

Substitute for the present text:—

The High Contracting Parties agree that, should there arise between them any dispute which cannot be settled by the ordinary methods of diplomacy, they will submit the matter to inquiry by the Executive Council or to arbitration.

They will in no case resort to war against a member of the League which complies with the award of the arbitrators or with the recommendation of the Executive Council.

*Annex 3.*

Delete the first sentence and substitute the following:—

If a dispute should arise between the States members of the League as to the interpretation of a Treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, if such dispute cannot be satisfactorily settled by diplomacy, the States members of the League recognise arbitration to be the most effective and at the same time the most equitable means of settling the dispute; and they agree to submit to arbitration any dispute which they recognise to be of this nature. For this purpose the Court. . . etc.

*Annex 4.*

Substitute for "which they recognise to be" the words "which is, according to any Convention existing between them, or which they agree to be."

*Annex 5.*

In the third line, after the word "determine" insert "any dispute or difference of an international character including."

*Annex 6.*

Substitute for the present text:—

The Executive Council shall formulate a plan for the establishment of a Permanent Court of International Justice: this Court shall, when established, be competent to hear and determine:

- (a) any matter which is submitted to it by the Body of Delegates or the Executive Council,
- (b) any matter arising out of the interpretation of the Covenant establishing the League,
- (c) any dispute which, with the consent of the Court and the Executive Council, any of the parties may wish to have submitted to it.

*Annex 7.*

Insert as Article 14A:—

In the event of the parties to a dispute not agreeing on the interpretation to be given to an arbitration Convention between them, the question shall be referred to a special tribunal composed as follows:—each party shall nominate one member of the Executive Council and one member of the Permanent Court of International Justice; two members shall be nominated by the above Court from among its own members; an additional member shall be selected by the Executive Council from among its members; this tribunal shall nominate its own president from among those of its members belonging to the Permanent Court of International Justice.

*Annex 8.*

The Executive Council may, in any case under this Article, refer the dispute to the Body of Delegates at the request of any party to the dispute, provided that such request be made within 14 days after the submission of the dispute to the Council. In this case, a recommendation made by the Body of Delegates shall have the force of an unanimous recommendation by the Executive Council, provided that such recommendation is supported by all the States represented in the Executive Council and a majority of the other States represented in the Body of Delegates.

*Annex 9.*

Add:—

The dispute shall be referred to the Body of Delegates in any case in which the Executive Council has failed to come to a decision.

*Annex 10.*

Fourth paragraph, add:—

It shall be lawful for States to conclude special Conventions intended to eliminate any possibility of war between them, whether by agreeing to accept the decisions of a simple majority of the Executive Council, or by agreeing to any other mode of settling disputes.

*Annex 11.*

The Executive Council may formulate plans for the establishment of a system of commissions of conciliation and may make recommendations as to the method of employing such commissions in the settlement of such disputes as are not recognised by the parties as suitable for arbitration.

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THIRTEENTH MEETING, MARCH 26, 1919, AT 8.30 P.M.

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Present:

|                               |   |   |   |   |                           |
|-------------------------------|---|---|---|---|---------------------------|
| President Wilson              | . | . | . | } | United States of America. |
| Colonel House                 | . | . | . |   |                           |
| Lord Robert Cecil             | . | . | . | } | British Empire.           |
| Lt.-Gen. Rt. Hon. J. C. Smuts | . | . | . |   |                           |
| Mr. Léon Bourgeois            | . | . | . | } | France.                   |
| Mr. Larnaude                  | . | . | . |   |                           |
| Mr. Orlando                   | . | . | . | } | Italy.                    |
| Senator Scialoja              | . | . | . |   |                           |
| Baron Makino                  | . | . | . | } | Japan.                    |
| Viscount Chinda               | . | . | . |   |                           |
| Mr. Hymans                    | . | . | . | . | Belgium.                  |
| Mr. Epitacio Pessoa           | . | . | . | . | Brazil.                   |
| Mr. V. K. Wellington Koo      | . | . | . | . | China.                    |
| Mr. Veniselos                 | . | . | . | . | Greece.                   |
| Mr. Dmowski                   | . | . | . | . | Poland.                   |
| Mr. Jayme Batalha Reis        | . | . | . | . | Portugal.                 |
| Mr. Diamandy                  | . | . | . | . | Roumania.                 |
| Mr. Vesnitch                  | . | . | . | . | Serbia.                   |

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On the motion of President Wilson a Committee consisting of:—

Mr. Orlando,  
General Smuts,  
Baron Makino,  
Colonel House,

was appointed to enquire into the question of the locality of the Seat of the League.

## ARTICLE 17.

On the motion of Lord Robert Cecil the following British amendments were adopted:—

In the 6th line delete “above” and insert after “provisions of Articles 12 and 16 inclusive.”

In the 8th line delete “League” and substitute “Executive Council.”

## ARTICLE 18.

The British amendments:—

Present Article 19 to become Article 18,  
and in the second paragraph, line 3:—

After “responsibility” insert “and who are willing to accept it,” were adopted.

Certain other drafting amendments were referred to the Committee on Revision.

## NEW ARTICLE 19.

The following British Amendment was discussed:—

Present Articles 18, 20 and 21 to be put together in a new Article to read as follows:—

“In accordance with the provision of international Conventions hereafter to be agreed upon for the purposes hereinafter stated, the States members of the League

- (a.) Will endeavour to secure and maintain fair and humane conditions of labour for men and women and children both in their own countries and in all countries to which their commercial and industrial relations extend.
- (b.) Engage to secure just treatment of the native inhabitants of the territories under their control.
- (c.) Entrust the League with the general supervision over the execution of such agreements as shall have been jointly come to with regard to the traffic in women and children and the traffic in opium and other dangerous drugs.
- (d.) Agree that the League shall be entrusted with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest.
- (e.) Agree that provision shall be made to secure and maintain freedom of communications and transit and equitable treatment for the commerce of all States members of the League, having in mind, among other things, special ar-

rangements with regard to the necessities of the regions devastated during the war of 1914-1918."

Lord Robert Cecil explained that he thought that Articles 18, 20 and 21 in the original draft might with advantage be combined.

President Wilson, in reply to a question by Mr. Vesnitch, explained that by the words "and all countries to which their commercial and industrial relations extend" in paragraph (a), influence only on a friendly and legitimate scale, and not intervention, was meant.

Mr. Reis said that he thought that the words "general supervision" in paragraph (d) were too strong.

Lord Robert Cecil explained that the supervision was to depend upon subsequent international agreements.

Article 19 was accepted as amended, except in the matter of the insertion in paragraph (a) of the words "by means of an international Bureau" after "endeavour" which were to be the subject of discussion by the Drafting Committee.

#### ARTICLE 20.

The following British amendments were proposed:—

- (1.) After the word "bureaux" insert "or Commissions for the regulation of matters of international interest."
- (2.) Add a second paragraph as follows:—

"In all matters of international interest which are regulated by general Conventions but which are not placed under the control of special international bureaux or commissions, the Secretariat of the League shall act as central organisations for the collection and distribution of information and for securing the effective observance of such Conventions if the States thereto consent."

- (3.) Add a new paragraph as follows:—

"The expenses of all such bureaux and commissions, including those provided for by this Covenant, may, with the consent of the Executive Council, be treated as part of the expenses of the Permanent Secretariat of the League."

Mr. Hymans said that he thought that in the second paragraph now proposed the words "and for securing . . . ." to the end should be struck out as involving the Secretariat in too extensive a task.

This suggestion was accepted, and the first and second British amendments were adopted.

It was decided that the third paragraph should be adopted subject to examination by the Drafting Committee to determine whether its provisions conflicted with the present arrangements concerning the Postal Union.

## ARTICLE 19.

Two amendments were proposed by the French Delegation: the first looking towards the establishment of a Financial Commission; the other establishing an International Bureau of Labour.

After some discussion, the amendments were withdrawn.

The French Delegation proposed the addition of Article 21 *bis*, as follows:—

“Il y a lieu de créer une section économique de la Société des Nations en vue d'étudier et de réaliser dans l'intérêt de la civilisation les grandes entreprises économiques d'ordre international.”

President Wilson said that he thought that the proposed new clause admitted a most dangerous principle which was known in his country as the principle that “the flag follows the dollar.” The League should be on its guard against accepting principles of this kind.

The amendment was thereupon withdrawn.

Mr. Hymans proposed a new amendment, that the States members of the League should endeavour to intensify agricultural production and should appoint a permanent Agricultural Commission.

The amendment was withdrawn on the ground that the work was already done by the Institut de Rome: it had already been agreed that all existing international organisations might pass to the League.

The Article was adopted without amendment.

Articles 21, 22 and 23 were adopted without discussion.

## ARTICLE 24.

Lord Robert Cecil proposed an amendment as follows:—

Line 2, delete “three-quarters” and substitute “a majority.” He considered that the proposed amendment would make no great difference, but that it would remove the impression which existed that the Covenant was to be unalterable.

Mr. Veniselos considered that the amendment exposed the smaller Powers to the risk of losing still more of their authority. The feelings of neutral States should be considered.

At this point, President Wilson said that he thought that the subject under discussion depended upon an amendment of his own which he asked leave to introduce.

Lord Robert Cecil accordingly agreed that the discussion of his amendment should be deferred.

With reference to his amendment, which read as follows:—

“After the expiration of ten years from the ratification of the Treaty of Peace, of which this Covenant forms a part, any State

member of the League may, after giving one year's notice of its intention, withdraw from the League, provided all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal."

President Wilson stated that he thought that if the League were successful it would be morally impossible for a State to withdraw.

Mr. Larnaude said that the world demanded something definite: the essence of the idea of the League was that it was to be a permanent thing. The placing of a ten years' time limit would give the idea that the success of the League was not hoped for.

President Wilson said that he had no idea of limiting the duration of the League, but sovereign States could not permanently be bound.

Lord Robert Cecil said that he had been much impressed by Mr. Larnaude's argument, but that it was foolish to suppose that any Treaty could be permanent. He doubted, however, whether ten years sufficed. The effects of the war would only be beginning to pass off in ten years: he suggested twenty or fifteen years. If, however, a period of less than twenty years was fixed, then two years' notice ought to be given: he would prefer, however, twenty years.

Mr. Orlando said he thought that the possibility of withdrawal might be left; he considered that the time limit should be abandoned, but that two years' notice should be given.

President Wilson said that he was willing to abandon the time limit and substitute two years' notice.

Mr. Larnaude was not convinced. He stated that for some time past national sovereignty had been a fiction. He wanted not to make a Treaty on the old lines, but to strike out on new lines and provide a substitute for the old order of international relations. He thought that the giving of notice by a Great Power would throw the League into confusion. If a League were to be established at all, the foundation should be firm.

President Wilson said that he did not entertain the smallest fear that any State would take advantage of the proposed clause. Any State which did so would become an outlaw. The sovereignty of their own country was the fetish of many public men. If they entered into a permanent arrangement they would feel that they were surrendering this sovereignty. America valued her sovereignty more highly than most nations. Americans would have to be assured that they were not giving up the sovereignty of their State. He thought that the clause would have no practical effects, while its omission might have very serious results. It was necessary to avoid such consequences by making concessions to existing prejudice and thus avoiding these risks. The time would come when men would be just as eager partisans of the sovereignty of mankind as they were now of their own national sovereignty. He himself would be in

a very awkward position if the amendment was not passed, since in the earlier sessions of the Commission he alone had been anti-secessionist, and had reluctantly acquiesced in the opinion of the Commission that the right to withdraw should exist. No State would have a moral right to withdraw. States would have a legal right, that was all that he proposed to admit. He was afraid that the Senate would not agree to come in if the right to withdraw did not somewhere exist. He had frequently stated this understanding in America.

Mr. Bourgeois said he thought that there should be a negative rather than a positive formula. This would leave the right to withdraw and would also ensure that States might not do so except on terms that would not damage the League.

Mr. Larnaude said that the question of the cessation of military service was one which was keenly discussed all over France. If the people of France thought that the League was to last 10 years only they would think that it had already failed. He repeated his assertion that it was not a question of a private compact or of an ordinary meeting. It was a question of founding a new system of international relations. If this idea of his was that of an idealist, it resembled the conceptions of President Wilson.

Mr. Vesnitch thought that the constitution of the League should be as elastic as possible, so that the principle of liberty might be protected.

Mr. Reis said that the Commission had already been widely accused of having laid violent hands upon national independence. They should do all that they could to remove that impression, but they had already made great sacrifices to the sovereignty of States in not having established the principle of obligatory arbitration, which he considered essential.

Mr. Orlando said that the Commission was in agreement that the general delay should be abolished.

Mr. Veniselos said that the Commission did not agree; he wanted a term of 20 years fixed, but he would accept 15 or even 10. The essential thing was that some security should be obtained.

Mr. Orlando thought that as a matter of psychology the League would be better supported by popular opinion if the specific time limit were cut out, but States were left the option of withdrawing or giving two years' notice. It was not so much actual liberty as theoretical liberty that was valuable to people's minds. If States had the power of withdrawing they would probably not want to use it.

Mr. Larnaude thought that nations leaving the League should be compelled to render an explanation.

The amendment was adopted in the following form:—

“Any State a member of the League may, after giving two years' notice of its intention, withdraw from the League, provided

all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal."

Lord Robert Cecil asked whether his amendment to the previous Article was agreed to.

The amendment was adopted.

Lord Robert Cecil moved a new Article providing that:—

"All bodies formed under or in connection with the League, including the Secretariat, may comprise women as well as men."

The amendment was adopted.

President Wilson said that the work of revision was now to be undertaken by a Committee on Revision, consisting of Lord Robert Cecil, Mr. Larnaude, Mr. Veniselos and Colonel House.

Lord Robert Cecil urged that a small Committee on Organisation should be appointed at once to consider questions such as the housing of the League, Secretariat, etc.

It was agreed that the Chairman should appoint such a Committee.

Mr. Bourgeois asked whether the Commission would have another opportunity of going into the question of the limitation of armaments.

The discussion of this matter was deferred until the next meeting.

*(The Commission then adjourned.)*

#### FOURTEENTH MEETING, APRIL 10, 1919, AT 8 P.M.

PRESIDENT WILSON *in the Chair.*

##### Present :

|                                |   |   |   |   |                           |
|--------------------------------|---|---|---|---|---------------------------|
| President Wilson               | . | . | . | } | United States of America. |
| Colonel House                  | . | . | . |   |                           |
| Lord Robert Cecil              | . | . | . | } | British Empire.           |
| Lieutenant-General J. C. Smuts | . | . | . |   |                           |
| Mr. Léon Bourgeois             | . | . | . | } | France.                   |
| Mr. Larnaude                   | . | . | . |   |                           |
| Mr. Orlando                    | . | . | . | } | Italy.                    |
| Senator Scialoja               | . | . | . |   |                           |
| Baron Makino                   | . | . | . | } | Japan.                    |
| Viscount Chinda                | . | . | . |   |                           |
| Mr. Hymans                     | . | . | . | . | Belgium.                  |
| Mr. Epitacio Pessoa            | . | . | . | . | Brazil.                   |
| Mr. V. K. Wellington Koo       | . | . | . | . | China.                    |

|                            |                         |
|----------------------------|-------------------------|
| Mr. Veniselos . . . .      | Greece.                 |
| Mr. Dmowski . . . .        | Poland.                 |
| Mr. Jayme Batalha Reis . . | Portugal.               |
| Mr. Danielopol . . . .     | Roumania.               |
| Mr. Vesnitch . . . .       | Serbia.                 |
| Mr. Kramar . . . .         | Czecho-Slovak Republic. |

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A delegation representing the International Council of Women and the Suffragist Conference of the Allied countries and the United States was received by the Commission at 8 o'clock. The delegation was led by Lady Aberdeen, and consisted of:—

Mrs. Fanny Fern Andrews.  
 Mrs. Corbett Ashby.  
 Mrs. Bratianu.  
 Mrs. Brunschwig.  
 Mrs. Brigode.  
 Mrs. d'Amelio.  
 Miss Margery Fry.  
 Major Girard-Mangin.  
 Mrs. Grimberg.  
 Mrs. Puesch.  
 Mrs. George Rublee.  
 Mrs. Schivioni.  
 Mrs. Schlumberger.  
 Mrs. Jules Siegfried.  
 Mrs. Avril de Ste. Croix.  
 Mrs. Marie Verone.

Lady Aberdeen, in introducing the delegation, said that she was ready to place the experience of the organisations which she represented at the service of the League. She asked the President to give his earnest attention to the points which the Delegates would bring before the Commission.

Mrs. Corbett Ashby requested the members of the Commission to see to it that their Governments did in effect nominate women to positions under the League, and that the women were democratically chosen.

Mrs. Rublee supported Mrs. Corbett Ashby.

Mrs. Grimberg, dealing with moral questions, pleaded for the abolition of the traffic in women and children. The League should only admit nations which allowed women complete liberty of life.

Mrs. Avril de Ste. Croix supported Mrs. Grimberg, and urged that State-recognised prostitution should be abolished.

Mrs. Schlumberger pleaded for universal women's suffrage.

Miss Margery Fry urged that whenever a referendum was resorted to women should vote in the same way as men.

Mrs. Schivioni asked that the League should establish an international education bureau.

Mrs. Fanny Fern Andrews supported her

Major Girard-Mangin pleaded for an international health organisation.

Mrs. Jules Siegfried thanked the Commission for the welcome it had extended to the delegation and appealed to it to call upon women to help in the great task of building a temple of peace.

President Wilson said that it had been a pleasure to hear the speeches, and that if it were not possible to accede to all requests it was only because the League could not begin by arranging all the affairs of mankind, not because the Commission did not agree that the demands were excellent.

The Women's delegation then withdrew.

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Lord Robert Cecil presented the draft Convention as amended by the Drafting Committee.<sup>1</sup>

#### ARTICLE I.

With reference to the words "within two months of the coming into force of the Covenant," General Smuts asked when the Covenant would come into force. Lord Robert Cecil replied that this would be at the same time as the first Treaty of Peace.

Mr. Larnaude asked whether notice would be sent to neutral States inviting them to become members of the League.

Lord Robert Cecil replied in the affirmative.

In reply to a question by Mr. Larnaude as to whether "signatories" meant signatories of the Treaty of Peace, Lord Robert Cecil said that this was so.

Mr. Vesnitch asked whether the two months started only from the date of the exchange of the ratifications; President Wilson replied in the affirmative.

#### ARTICLE 2.

Lord Robert Cecil regretted that he was unable to accept the French text as an accurate account of what took place at the Drafting Committee.

Mr. Larnaude asked whether there would be one text or two, or several. He urged that translation should be carried out in-

<sup>1</sup> Document 30.

dependently, since anything approaching literal translation was impossible.

Mr. Hymans entirely agreed with Lord Robert Cecil that it was most important that the two texts should be identical.

Lord Robert Cecil thought that the matter was one for the Conference to decide, but he wished to point out that the work throughout had been carried out on the basis of the English text, and that therefore the English text represented the views of the members of the Committee.

President Wilson said that it was not within the competence of the Commission to settle the language question, but the English text was at present now the correct one.

Mr. Orlando thought that if there were differences between the English and the French texts, the French text should be altered. He asked that if more than one official text were adopted, an Italian text should also be recognised.

Lord Robert Cecil said that it was useless to discuss the question since the Commission could not settle it.

Mr. Bourgeois said that he thought it would be helpful at least to discuss the question of the official language of the League of Nations.

President Wilson said that he thought that any discussion of this matter would be out of order.

Mr. Bourgeois persisted in his opinion and asked for the privilege of making a statement.

Mr. Bourgeois then read proposed Article 26, which was as follows:

*Proposition de la Délégation  
française.*

ARTICLE 26.

Les membres de la Société conviennent d'accepter comme faisant foi entre elles le texte français de la présente Convention.

La langue française sera également acceptée dans les mêmes conditions pour la rédaction des actes officiels des divers organes de la Société des Nations.

*French Amendment.*

ARTICLE 26.

The members of the League agree to accept as binding the French text of the present Covenant.

French shall similarly be the official language used in all acts of the various organs of the League of Nations.

President Wilson said that though he had allowed the matter to be discussed, he was compelled to rule the resolution out of order since a decision was beyond the competence of the Commission.

Mr. Larnaude said that it would be necessary to decide which meaning should be adopted in cases where the French and English texts did not agree. There were cases, as in Article 1, where the English draft should be changed, for it provided that States merely invited but not having accepted might become members of the League.

Lord Robert Cecil said that the French text had never even been presented to the Drafting Committee.

Mr. Veniselos said that he thought it would be necessary to appoint a Committee to go into the question; and if the two texts did not agree, the French text should be the one altered.

It was agreed that Mr. Larnaude and Mr. D. H. Miller should undertake this work.

#### ARTICLE 3.

General Smuts asked whether the Assembly would have the right to deal with general questions of international law.

President Wilson replied in the affirmative.

Mr. Larnaude reserved judgment.

#### ARTICLE 4.

General Smuts asked whether States summoned to meetings of the Council would have the right to vote.

Lord Robert Cecil said that he thought it would be no satisfaction to States to be summoned as non-effective members. The League should not be able to dispose of the right of any State or to order about its soldiers without the consent of that State. The State affected by a decision should have the power of voting on that decision.

Mr. Reis asked why the words about "binding" had been abandoned. Lord Robert Cecil replied that it was a principle of the League that no State should be forced into a decision against its will.

#### ARTICLE 5.

Mr. Reis moved that the order of the first paragraphs should be reversed.

This change was accepted.

Mr. Larnaude agreed. He thought that the word "Assembly" should not occur before the word "Council."

#### ARTICLE 6.

Was passed without discussion.

## ARTICLE 7.

Mr. Orlando, representing the Committee appointed at the last meeting to enquire into the question of the seat of the League, proposed Geneva. Switzerland was a quiet country, had long been neutral and would probably continue to be neutral. The Swiss Government had been unofficially approached on the matter and had given a satisfactory reply.

Mr. Hymans said that Mr. Orlando had only given two reasons in favour of Geneva, the first of which was that Switzerland would provide an atmosphere of tranquillity. He thought that Belgium had during the war given proof that she too could be calm. The other was that Switzerland was a neutral country. Belgium also had long been neutral. The League demanded sacrifices from its members; what country had given better proof of willingness to make sacrifices than Belgium? He complained that Mr. Orlando had not so much as referred to Brussels.

If some great city had been selected he would have raised no objection, but he thought that if a small city were selected it should be Brussels. It was true that Belgium bore traces of the war, but would it be possible to escape from recollections of the war at Geneva? He thought that it would be wrong to try to efface these memories, they should rather be carefully preserved. England had taken up arms because Belgium had been violated. This was the kind of thing which we should teach our children; the kind of thing which should be remembered at the seat of the League.

Mr. Hymans then made the following speech:—

“Belgium has long been one of the most active centres of international life, intellectual, judicial, and economic.

Since 1847 Brussels has been the seat of a long series of international congresses and meetings. There have been 425 in 65 years. 111 international associations have made their home in the city. Out of 22 international exhibitions which took place between 1851 and 1915, 6 were organised in Belgium. It was in Belgium that the Institute of International Law was born.

Belgium is situated at the junction of several great currents of civilisation and of culture, and is fitted by her geographical situation and her ethnical conditions to be a rallying point.

Belgium enjoys thoroughly liberal and democratic institutions. Her Constitution has always been considered a model. Thanks to the wisdom of her people and her institutions she has avoided all revolutionary contagion.

She has an intellectual past and an artistic heritage which shine in the history of the world and reveal noble ideals of beauty, of justice, and of liberty.

Why then should a country which has taken no part in the war be preferred to Belgium?

The violation of Belgium's neutrality aroused the conscience of the world. To-day, Germany is compelled to admit the crime which was committed. What better means could be found of giving this confession its full value than to set the capital of the League of Nations on the very soil on which the crime was committed? Belgium was the symbol during the war of violated right. Should she not become the symbol of right restored?

The Covenant of the League of Nations imposes international obligations on the States which sign it. Belgium accepts them and is ready to collaborate in the great institution which is to ensure the reign of justice and to protect the little nations against the machinations of force.

Why then should Belgium be set on one side? Is it because she took part in the war? The fact of having been unjustly attacked, brutally invaded and oppressed, in defiance of Treaties, is thus made a reason for exclusion.

We refuse to believe that the Commission can come to a conclusion of this kind.

Mr. Orlando explained he had meant no disrespect to Brussels by not mentioning it; on the contrary, it was respect for Belgium and the sacrifices which she had made that had induced him to preserve silence.

He had the utmost respect for Belgium. She had been the standard-bearer of honour and the symbol of faith. She had more than done her duty in opposing with arms the violation of international law. Thus he felt as a matter of delicacy, it would have been preferable not to have had this discussion. The choice of Geneva was merely based upon practical considerations.

Mr. Kramar said that the League would direct the world; therefore it would be unwise to select an out-of-the-way place for its seat. A centre of politics and of affairs should be chosen.

Lord Robert Cecil said that if it were a question of conferring honours or rewards on a city, no one would hesitate between Geneva and Brussels. It would be an impertinence to do so. He implored members to set aside every other consideration, but that of giving this experiment the best chance of success.

He was in favour of Geneva, first because he thought that the seat of the League should not be situated in the capital city of any country. There could be no doubt that the country selected would have a considerable advantage, and it was important that the world should be inspired with a belief in the absolute impartiality of the League. Second, because impartiality and not the preservation of the glorious memories of the war was the object of the League.

Switzerland on the other hand, had not only been a neutral country for a long time, it was also the most cosmopolitan country in the world. Switzerland, and Geneva especially, had interna-

tional traditions. Switzerland, moreover, was more central than Brussels.

Mr. Larnaude observed that in any case the League could always change its seat.

Mr. Vesnitch permitted himself to say that Serbia also had made great sacrifices, but he did not insist upon this aspect of the question. He thought, however, that the Commission should know the reasons which had induced the Committee to select Geneva, and that a vote should be taken.

Mr. Veniselos agreed with President Wilson that past antagonisms should be avoided. Belgium, however, did not come into the war on account of past antagonisms, but because she was cynically violated by Germany.

Mr. Bourgeois said that Paris and Versailles were ready to give the League a brilliant reception, but he did not insist on urging their claims. If it was decided that the Seat of the League should be in a small country, the Hague would offer great advantages; it would recall the permanent Arbitral Court of the Conference, in the name of which the crimes of Germany were to be punished. But if Holland were set aside, he thought that Belgium should be chosen. In the first place, Belgium had agreed to accept the obligations of the League, whereas Switzerland asked to preserve its permanent neutrality. Moreover, it was the Allied and Associated Powers which had formed the nucleus of the League. Would it not be setting a good example to request one of those Allied peoples which had suffered the most to give its hospitality to the institution which was to represent right in the world? He believed that such a course would be a profound moral lesson for humanity. We were inspired, not by hatred of any people, but by hatred of the violation of Treaties and solemn engagements.

Mr. Larnaude thought that it would be a great mistake to install the League in a town which was not a political centre. Geneva, in this respect, seemed to be less well-placed than Brussels, the natural meeting-place of the political currents of several continents. Brussels, moreover, represented imperishable memories which we should not wish to dim, since but for the resistance of Belgium the League of Nations would probably never have come about.

Mr. Kramar drew attention to the shortcomings of a town like Geneva where there were no diplomatic representatives. It was a matter not of setting up a mere Court of Arbitration, but of creating a centre of political life.

President Wilson yielded to none in his admiration for Belgium, but the present question was one not of awarding honours but of finding the best surroundings for international deliberation. The antipathies of the war should be set aside; otherwise it might be thought that the League was a mere coalition of Allies moved by the

hatreds born of the war. Our object was to bring about friendly relations between all peoples. We wished to rid the world of the sufferings of war. We should not obtain this result if we chose a town where the memory of this war would prevent impartial discussion. The peace of the world could not be secured by perpetuating international hatreds. Geneva was already the seat of the International Red Cross, which had placed itself at the service of both groups of belligerents, and which, so far as possible, had remained unaffected by the antipathies provoked by the war. Moreover, Switzerland was a people vowed to absolute neutrality by its constitution and its blend of races and languages. It was marked out to be the meeting-place of other peoples desiring to undertake a work of peace and co-operation. The choice of Geneva did not mean that we did not recognise the eminent merits of Belgium and of Brussels. There could be no comparison between the two peoples from the point of view of their conduct during the war. The capitals of other neutral nations might have been proposed, but none had behaved so impartially as Switzerland. Switzerland had always acted with dignity; she had suffered from the war and she had gained the respect of both groups of belligerents.

Mr. Vesnitch: No change in roneoed text.<sup>1</sup>

Mr. Veniselos: No change in roneoed text.<sup>1</sup>

Mr. Bourgeois doubted if the proposed decision came within the functions of the Commission. The question of the Seat of the League was a political question of great importance, and it seemed to him outside the scope of the work of the Commission.

Mr. Hymans thanked the Commission for the tributes which had been paid to Belgium, but he maintained that the foundation of the League of Nations was intimately connected with the war. We should not therefore seek to blot out its memories, but, on the contrary, to uphold them as an example of value to the cause of right and of humanity.

After further discussion a vote was taken, and twelve members of the Commission voted in favour of the Report.

#### ARTICLES 8 and 9.

Mr. Larnau de asked whether the Commission was to draw up any plan of disarmament. Could States which refused to accept the plans for reduction of armaments proposed by the Council remain in the League?

Lord Robert Cecil replied that refusing States might certainly remain in the League. There would be no obligation to carry out recommendations, which would be formulated merely for the consideration of the several Governments.

<sup>1</sup> As to this expression, see Vol. I, p. 441.

Mr. Larnaude said that he made all possible reserves.

Mr. Bourgeois said that in this case the obligation implied no obligation at all and that the refusal of a single State could prevent general disarmament. He reserved the right to bring forward his amendments to Articles 7 and 9 at the Plenary Conference. Mr. Clemenceau had received Lord Robert Cecil's proposals, and they had been rejected by the French Government.

#### ARTICLE 10.

Mr. Larnaude remarked that this Article implied a formal guarantee of the territorial integrity and independence of each member of the League, and consequently bound the League to take the military measures necessary to make this guarantee effective. He asked that this interpretation of the Article should be maintained.

President Wilson proposed the following amendment, to appear at the end of Article 10:—

“Nothing in this Covenant shall be deemed to affect the validity of international engagements such as Treaties of arbitration or regional understandings like the Monroe Doctrine for securing the maintenance of peace.”

Mr. Koo did not wish to be understood to be opposing the amendment, of which he approved in principle. He wished, however, to suggest that the Monroe Doctrine should be named specifically and alone in this Article, and not made one of a class of regional understandings.

Mr. Larnaude was anxious to have a clear definition of the Monroe Doctrine. Every time liberty had been threatened, either in America or in Europe, the United States had either acted upon the Doctrine or had reserved the right to intervene. If an European war occurred in which the interests of the United States were imperilled, the Monroe Doctrine would not prevent her from taking part. Did President Wilson's amendment consecrate or change this policy?

Mr. Reis said that he knew of no text in which the Monroe Doctrine was clearly defined. He was therefore unable to pledge his Government in this matter.

Lord Robert Cecil did not wish to oppose the amendment, but to explain its meaning. He understood it to mean, oddly enough, exactly what it said; “Nothing in this Covenant shall be deemed to affect the validity of . . .” various international engagements. It gave to these engagements no sanction or validity which they had not previously enjoyed. It accepted them as they were. In particular it accepted the Monroe Doctrine as it was—a Doctrine which had never been clearly defined. It was well to leave it undefined and as an example, for any attempt at definition might extend or limit

its application. In spite of the fact that it never had been definitely formulated, it would not be common sense to deny that such a doctrine had existed, had been acted upon, and had been accepted by other States.

The amendment had been inserted in order to quiet doubts, and to calm misunderstandings. It did not make the substance of the Doctrine more or less valid. He understood this amendment to say what he believed to be implicit in the Covenant, what he believed to be true—that there was nothing in the Monroe Doctrine which conflicted with the Covenant, and therefore nothing in the Covenant which interfered with international understandings like the Monroe Doctrine.

Mr. Reis asked whether the Monroe Doctrine would prevent League action in American affairs.

President Wilson replied in the negative. The Covenant provided that the members of the League should mutually defend one another in respect of their political and territorial integrity. The Covenant was therefore the highest possible tribute to the Monroe Doctrine. It adopted the principle of the Monroe Doctrine as a world doctrine. It was an international acceptance of the principle by which the United States had said that it would protect the political independence and territorial integrity of other American States. The Commission should study, not theoretical interpretations which had been placed upon the Monroe Doctrine, but actions of the United States which had been taken thereunder.

His colleagues in America had asked him whether the Covenant would destroy the Monroe Doctrine. He had replied that the Covenant was nothing but a confirmation and extension of the doctrine. He had then been asked whether, if this were so, there would be any objection to making a specific statement to that effect in the text. It was by way of concession to this reasonable request that he was asking the Commission to state definitely something which was already implied.

Mr. Koo observed that the word "understandings" was in the plural. It appeared to him to be too broad. It would cover all kinds of undertakings, good, bad, and indifferent. If there were no serious objection he would like to have the words "regional understandings like" struck out, and the word "of" substituted.

Mr. Larnaude said that the serious thing about this amendment was that it was the only one which concerned a particular country. It was therefore out of harmony with the rest of the document. Article 20 provided that all States which entered the League were bound to make their international engagements conform to the spirit of the League. If they were not inconsistent they could stand. If, therefore, there was nothing in the Monroe Doctrine inconsistent with the Covenant it would not be affected. He regretted

that he felt compelled to join Lord Robert Cecil against the President.

Lord Robert Cecil explained that he was far from disagreeing with the President. He disapproved of Mr. Koo's amendment because it made the amendment apply to America only. In the President's amendment the Monroe Doctrine was given only as an example.

Mr. Larnaude asked that his observations might appear in the Minutes. He considered that the amendment was inconsistent with Article 20.

Mr. Orlando thought that the amendment was not inconsistent with Article 20.

Mr. Reis was anxious to add at the end of President Wilson's amendment the words: "So far as the Monroe Doctrine is not inconsistent with the League."

Mr. Larnaude thought that it would certainly be very unfortunate if the Monroe Doctrine should be interpreted to mean that the United States could not participate in any settlement of European affairs decided upon by the League.

Mr. Orlando said that Mr. Larnaude would remember that the United States came to participate in this war, and that if they did so under the principles of the Monroe Doctrine, then the more so would they come in similar circumstances if they were members of the League.

President Wilson said that should the Monroe Doctrine in future be interpreted in a manner prejudicial to the peace of the world, the League of Nations would be there to deal with it. He was prepared, if necessary, to delete the word "regional": it was perhaps hardly applicable to so large a territory as the western hemisphere.

Lord Robert Cecil said that perhaps Mr. Bourgeois would permit him to explain again what he thought had been made quite clear. The amendment simply proposed to emphasise an implicit principle: that the validity of the Monroe Doctrine was not affected by anything in the Covenant. The amendment did not give validity to anything which did not already possess validity. Defensive alliances, so long as they were really defensive, were not affected.

Mr. Koo was in complete agreement with President Wilson and Lord Robert Cecil in wishing to have the Monroe Doctrine mentioned in the Covenant. The Doctrine had been tested for a century, and it had contributed greatly to the development of liberty and peace throughout the world. He would therefore be glad to see the words "regional understandings" or even "understandings" omitted unless Lord Robert Cecil had some other similar understandings in mind. As the amendment stood it might uphold understandings which might become obsolete, and might also include future understandings. If Lord Robert Cecil wished to retain the word "understandings"

he would like to add after it the words "hitherto commonly accepted."

Lord Robert Cecil explained that there were other understandings such as those concerning the tribes of Arabia, whereby these tribes carried out their negotiations with the outside world through Great Britain only. The words "hitherto commonly accepted" might raise difficulties as to what had or had not been commonly accepted. It might extend or limit the validity of existing understandings. As the Article now read, it did neither. It created nothing which did not already exist.

Mr. Koo persisted in his wish to avoid the use of so broad a word as "understandings." He wished to see the Monroe Doctrine alone specified.

Lord Robert Cecil thought that it would be a very unfortunate thing to state it singly. The French Delegation had already formally entered an objection on this score.

President Wilson again explained that any understanding which infringed upon the territorial integrity or political independence of any State would be inconsistent with the Covenant. Any State which signed the Covenant obliged itself immediately to abrogate such an understanding. The inclusion of this reference to the Monroe Doctrine was in effect nothing but a recognition of the *fact* that it was not inconsistent with the terms of the Covenant.

Mr. Larnaude thought that if it was not inconsistent with the terms of the Covenant, it was unnecessary to refer to it. What was unnecessary might be dangerous. Relying on the special mention of the Monroe Doctrine in the Covenant, the United States might some day assert that this doctrine forbade some act of intervention decided upon by the other members of the League.

President Wilson again assured Mr. Larnaude that if the United States signed this document they would be solemnly obliged to render aid in European affairs, when the territorial integrity of any European State was threatened by external aggression.

Mr. Orlando again reminded Mr. Larnaude that the Monroe Doctrine had not prevented the United States from intervening in this war. They would be more ready to do so when they had accepted the additional obligations of membership of the League. He could not understand Mr. Larnaude's doubts.

Mr. Larnaude said that the United States came in because they felt inclined to. For the future it was a question of imposing an obligation in the name of the Covenant and not of allowing States to intervene or not according to the caprice of the moment.

President Wilson asked Mr. Larnaude to explain whether he really doubted that the United States would live up to its obligations if it became a signatory to the Covenant of the League.

Mr. Larnaude thought that it could not honourably escape them,

but that it would not be legally bound. He did not think that the Americans would avail themselves of the avenue of escape which they would have, but he thought that the matter should be settled. There should be a formal explanation of the Monroe Doctrine.

President Wilson thought that it had been completely explained.

Mr. Bourgeois feared that if the amendment was accepted there would be two groups of States under the Covenant: The United States on the one hand, and the European States on the other.

President Wilson said that it was anticipated that other States on the American Continent, such as Brazil, would enter the League at once. It was hoped that practically all the States in the world would become members. In such a world-League it seemed out of place to talk about two groups.

Lord Robert Cecil thought that the anxiety of the French Delegates was caused partly by the fact that the amendment had been introduced as an addition to Article 10, the Article which was of the greatest importance to France. They feared that the amendment might limit the protection which was afforded by Article 10. He suggested that the amendment should be placed under Article 20.

President Wilson agreed.

Mr. Larnaude said that the amendment should be put at the end of Article 20, and that an explanation in the form of a footnote, which should be part of the Covenant, should state exactly what the Monroe Doctrine was.

Mr. Vesnitch urged that the amendment should be accepted. He explained that the Monroe Doctrine had two parts: the object of the first part was to protect America from aggression at the hands of autocratic Powers. Monroe and his successors had said to the world "we cannot allow you to intervene in our affairs but in return we will not intervene in yours." The second part, the non-intervention of America in Europe, was thus only a corollary of the first. But experience had shown that neither of these principles prevented the intervention of America in Europe when the liberty of the world or great interests were at stake.

Mr. Larnaude still objected. He wished to have an obligation imposed on America to take part in European affairs.

President Wilson thought it might help the discussion if he explained the history of the Monroe Doctrine. At a time when the world was in the grip of absolutism, one of the two or three then free States of Europe suggested to the United States that they should take some political step to guard against the spread of absolutism to the American Continent. Among these States was England. Acting upon this suggestion the principles of the Monroe Doctrine were laid down, and from that day to this, they had proved a successful barrier against the entrance of absolutism into North and South America. Now that a document was being drafted which was the logical extension of the Monroe Doctrine to the whole world, was

the United States to be penalised for her early adoption of this policy? A hundred years ago the Americans had said that the absolutism of Europe should not come to the American Continent. When there had come a time when the liberty of Europe was threatened by the spectre of a new absolutism, America came gladly to help in the preservation of European liberty. Was this issue going to be debated, was the Commission going to scruple on words at a time when the United States was ready to sign a Covenant which made her for ever part of the movement for liberty? Was this the way in which America's early service to liberty was to be rewarded? The Commission could not afford to deprive America of the privilege of joining in this movement.

Mr. Larnaude said that he had no doubt that the United States would come again to the help of Europe if it were threatened by absolutism. Future wars might not, however, be wars of liberation. They might be economic in origin. The question was, therefore, whether the United States would come to the help of France should she be engaged in a struggle with a country which happened to be quite as liberal as herself.

Lord Robert Cecil said that Mr. Larnaude was clearly wrong in his interpretation of the way in which the Monroe doctrine had been applied. If he would consult history he would find that the Monroe doctrine had never in a single instance been applied to American policy with regard to American participation in Europe, but always with regard to European participation in American affairs. When American statesmen or international lawyers made objection to the interference of America in European affairs, they never did so on the basis of the Monroe Doctrine, but always on the basis of Washington's farewell address.

President Wilson asked why Mr. Larnaude asked this question when America promised to come to the rescue of France, as she did by signing the Covenant. Was it conceivable that he wanted the United States alone of the signatories of the Covenant to say that she would not repudiate her obligations under that Covenant? Did she wish to stop her signing the Covenant?

Mr. Reis said that after this discussion he accepted the clause absolutely.

President Wilson said that if the clause was accepted by the Commission a logical place should be found for it in the text.

The amendment was then adopted.

Baron Makino reserved the right to raise other questions under Article 10 at the next meeting of the Commission.

*(The Commission then adjourned.)*

## FIFTEENTH MEETING, APRIL 11, 1919, AT 8.30 P.M.

President WILSON *in the Chair.*

Present:

|                          |   |   |   |                             |
|--------------------------|---|---|---|-----------------------------|
| President Wilson         | . | . | . | } United States of America. |
| Colonel House            | . | . | . |                             |
| Lord Robert Cecil        | . | . | . | British Empire.             |
| Mr. Léon Bourgeois       | . | . | . | } France.                   |
| Mr. Larnaude             | . | . | . |                             |
| Mr. Orlando              | . | . | . | } Italy.                    |
| Senator Scialoja         | . | . | . |                             |
| Baron Makino             | . | . | . | } Japan.                    |
| Viscount Chinda          | . | . | . |                             |
| Mr. Epitacio Pessoa      | . | . | . | Brazil.                     |
| Mr. V. K. Wellington Koo | . | . | . | China.                      |
| Mr. Dmowski              | . | . | . | Poland.                     |
| Mr. Jayme Batalha Reis   | . | . | . | Portugal.                   |
| Mr. Danielopol           | . | . | . | Roumania.                   |
| Mr. Veniselos            | . | . | . | Greece.                     |
| Mr. Vesnitch             | . | . | . | Serbia.                     |
| Mr. Kramar               | . | . | . | Czecho-Slovak Republic.     |

ARTICLE 11.

The Commission continued its examination of the Covenant beginning with Article 11. There were no observations.

ARTICLE 12.

Lord Robert Cecil called the attention of the Commission to the difficulties which would arise if the Japanese amendment, which had been presented as Article 12A, should be adopted (Annex 1).<sup>1</sup>

Such a provision would give an important advantage to such States as maintained their military establishment in a highly developed state. Should a crisis arise, the small and peaceful nations with a low military establishment would find themselves at a serious disadvantage if they could not make use of the period of three months in order to prepare a better defence against a nation with superior armaments and effectives.

Baron Makino observed that the whole spirit of the Covenant was opposed to the principle that nations might make military prepara-

<sup>1</sup> This Annex is not with the Minutes. For the text, see Document 30.

tions in a crisis. If they should undertake warlike measures, a tense and anxious atmosphere would be created which would hardly conduce to a peaceful settlement. Moreover, if the nation whose military preparations were inadequate should augment them, the better armed nation would do the same and the discrepancy between the two military forces would remain the same.

The Committee had raised the objection that the Japanese amendment would result in forcing nations into a military programme of serious dimensions. In answer, it might be said that the purpose of Article 8 was to lay down limits of armaments which might not be exceeded.

President Wilson said that he understood the provisions of Article 8 as they had been interpreted by Baron Makino. Nevertheless, without violating the obligations imposed by this Article, the States members of the League might increase their armaments up to the permitted maximum even during the period of time which would follow recourse to arbitration.

Lord Robert Cecil imagined the following hypothetical case. Suppose that an unscrupulous nation should be considering an attack against a neighbouring State. She mobilizes all her troops, masses them on the frontier, and thereupon starts a dispute of a nature calculated to lead to a rupture. The dispute would then be submitted to arbitration, and while the case was being examined the aggressor State would have all its forces ready for action. On the other hand, the State which was threatened would not be able to take any preparatory measures. As far as Naval Power was concerned, a State might quite easily without violating Article 8 mobilize its fleet with a view to aggression. The Japanese amendment would therefore seem to impose obligations too great for human nature and to put tremendous advantages into the hands of unscrupulous States.

Mr. Larnaudé supported these observations of Lord Robert Cecil, which had previously been discussed by the Drafting Committee. He himself thought that the Japanese amendment would compel states to increase the number of their effectives. On the other hand, if they knew that they might take advantage of the period of three months, they would not maintain in time of peace forces equal to the maximum allowed them.

Viscount Chinda asked whether it was the idea of the Drafting Committee that military preparations might be made during the period of three months.

Lord Robert Cecil replied that if the forces of any State were less than the maximum fixed by the programme of reduction they might be increased up to the maximum, but not beyond this point. Moreover he recognised the force of the argument made by Mr. Larnaudé; if the amendment were adopted it would compel each State to maintain its forces at the maximum in order that it might be sure of defending itself against any aggressive act.

Mr. Bourgeois remarked that in this matter as in many other matters the whole difficulty lay in the fact that a control of armaments such as he advocated would not exist.

Mr. Orlando said that the Japanese amendment was unquestionably in harmony with the spirit of the Covenant. If the three months period were to be considered as a period of military preparation, the first thing which every State would do in case of dispute would be to mobilize its armies on the frontier and increase its output of material. Could anyone imagine a state of things less favourable to a peaceful settlement? It would be a kind of invitation to war.

Mr. Vesnitch thought that the States who were to become members of the League would be uneasy if they were not able to make military preparations in case they thought themselves threatened by a more or less open aggression. For this reason he thought that it would be better not to adopt the Japanese amendment.

Mr. Koo said that he only wished to add a few words to what had already been said. The spirit of the proposed amendment pleased him, inasmuch as it had unquestionably been conceived in the interests of peace. He thought however that it would not achieve the desired object inasmuch as it would encourage certain States, as Mr. Larnaude had just said, to maintain throughout a period of peace the maximum military force. Finally such a situation would turn the world into a veritable armed camp just as it had been before the war. Military preparations were contagious. Should one nation maintain its forces at the maximum, another nation would do the same and still another nation would follow the example set by the two. Moreover, the possibility of taking military steps during the moratorium would make it possible for nations to pay less attention to military preparations and would not compel such nations as were favourably disposed toward a programme of disarmament to keep their establishment up to the maximum permitted. A peaceful atmosphere would conduce to peace. Therefore, Mr. Koo thought that the amendment should be rejected.

Lord Robert Cecil said that the League of Nations looked toward a programme of complete disarmament, and that the Japanese amendment would tend to force nations into maintaining the maximum of armaments in order to avoid finding themselves at a military disadvantage.

Mr. Reis, as a representative of a small Power, was opposed to the amendment. The Great Powers always could impose their will upon the small Powers, and the only salvation of the latter lay in their being able to arm themselves as well as possible in case of need in order to re-establish the balance as well as they might.

President Wilson explained why he had welcomed the adoption of the Japanese amendment at an earlier meeting. In a Treaty concluded by the United States with twenty-six other States, an

unsuccessful attempt had been made to introduce a provision like the one before the Commission. In other words, he had a sentimental interest in the Japanese amendment inasmuch as it had given him a momentary feeling that he was taking a friendly revenge upon those who had opposed the insertion of a similar clause in these other Treaties. He admitted, however, that he had perhaps not given sufficient consideration to all the consequences which a provision of this sort might lead to. Every member of the Commission must be in sympathy with the generous impulse which had inspired the Japanese amendment, but he thought that a majority now felt the inconveniences which would arise if it were incorporated.

Baron Makino did not insist upon the retention of his amendment, but expressed the desire that the Council would strictly supervise the performance of the programme of reduction laid down for various States.

Thereupon the amendment was withdrawn.

#### ARTICLE 13.

President Wilson observed that the list of cases capable of solution by arbitration given in the Article was for the purpose of indicating the general character of such cases, and was not intended to limit them.

In answer to a question of Mr. Bourgeois, Lord Robert Cecil said that the Hague Conventions were included in the Treaties referred to in Article 13.

Mr. Reis said that the word "generally," which did not appear in the French translation, seemed objectionable. To enumerate cases "generally" susceptible of arbitration implied that in certain particular cases recourse to arbitration was not possible. The word "generally" was contrary to the spirit of the English text which enumerated questions to be solved by arbitration. He reminded the Commission of the reservations made in the past with such harmful results in Treaties of arbitration.

Lord Robert Cecil replied that it was difficult to lay down a strict rule. For example, one could not say that the question of the interpretation of a Treaty should be submitted to arbitration in every instance. It might happen that such an interpretation would involve the honour or the essential interests of a country. In such a case the question should rather be submitted to examination by the Council of the League. It would be dangerous for the future of the principle of arbitration to impose it too strictly in a great number of cases.

Mr. Larnaudé called the attention of the Commission to a letter addressed to the Chairman by the Swedish Delegation (Annex 2),<sup>1</sup> in which the request was made that a Court of Justice might be established by the Assembly rather than by the Council, in order to give

<sup>1</sup> This Annex is not in with the Minutes. For the text, see Vol. I, p. 451.

it a legal rather than a political character. It seemed to him very desirable that the members of the Court should be men versed in the science of law, but he did not think it necessary to have them nominated by a large assembly. The selection of the judges of the Court would probably be made in a more rational way if they were selected by a small number of competent persons such as the members of the Council would be. The thing which seemed essential to Mr. Larnaude was that certain qualifications of ability and fitness should be required of the members of the Court of Justice. If such conditions of selection were laid down, the anxiety of the neutral Powers would be relieved and the choice of the Council would not fall upon mere politicians. Still, if necessary, the President of the Court might be a statesman who was possessed of considerable knowledge of law.

Mr. Kramar remarked that the permanent court provided for in Article 14 would have to decide not only questions of law, but political questions as well.

Lord Robert Cecil thought that it would be unfortunate if the Covenant attempted to define the conditions under which the members of the Court should be appointed. This Court would have to command the respect of the world, and such a result would best be obtained if the selection were left to the judgment of those who appointed its members. According to Article 14, the Council was to submit its plan for a Court of Justice to the members of the League. In reality, therefore, the Assembly would establish the Court.

Mr. Bourgeois asked what authority would nominate the judges themselves.

Lord Robert Cecil thought that the Council should make recommendations in this matter to the Members of the League.

#### ARTICLE 15.

Lord Robert Cecil stated the two amendments to this Article which had been proposed by the Drafting Committee. First, to add at the end of paragraph 5 of the English text, the following sentence:

“In the event of any party to the dispute failing to comply with these recommendations, the Council shall consider what steps, if any, should be taken to give effect to them.”

Such an amendment would empower the Council to execute its decisions whenever they had been adopted unanimously.

President Wilson reminded the Commission that a similar clause had been struck out in the course of the first reading. At all events, he preferred “may consider” to “shall consider,” inasmuch as provisions of this sort had given rise to criticism within the United States based upon the feeling that it would too deeply involve the signatories to the Covenant.

Baron Makino said that the provision would lose all its force if it were amended to read "may consider."

Lord Robert Cecil did not wish to insist upon the insertion of this amendment, since the Council would always be in a position to act as it thought fit if one of the parties should not accept its recommendations.

Mr. Bourgeois said that if the Commission were not prepared to say that the Council should consider measures to be taken in order to give effect to its recommendations, the whole strength of the organisation of the League would disappear.

President Wilson said that a similar provision had been eliminated from the first text, since a satisfactory formula could not be found.

The first amendment proposed by the Drafting Committee to this Article was thereupon withdrawn.

Lord Robert Cecil read the second amendment of the Drafting Committee—to add the following sentence as a new paragraph after paragraph 5 of the English text:

"If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice."

Mr. Bourgeois expressed the conviction that the whole idea of obligation had now disappeared. It would, therefore, be necessary to continue and to conclude separate alliances, inasmuch as the League admitted its inability to offer a formal guarantee of protection to its own members.

Lord Robert Cecil said that defensive alliances would not be incompatible with the object of the League, if they were entered into in accordance with the provisions of Article 15.

Mr. Orlando pointed out the difficulties which might arise from the provision that representatives of all parties to the dispute were to be excluded from the deliberations. There were certain cases where the exclusion of interested parties would lead to most unfortunate results. Suppose a dispute relating to the use of an international canal; if the parties to the dispute were debarred from voting; it might happen that small Powers not directly interested would settle a question upon which the Great Powers were divided.

Lord Robert Cecil explained the relation of this Article to such an issue. If a dispute were submitted to the Council, the parties to the dispute would participate in the discussion together with the other members of the Council. If all the States participating in the discussion should agree upon an unanimous report, no difficulty would arise. On the other hand, should the decision not be unani-

mous, it would be necessary to exclude the interested parties who were not willing to support the opinion of the majority.

President Wilson said that a State would have to declare either that it was a party to the dispute, in which case it could not vote; or that it was *not* a party to the dispute, and in that case it could vote.

ARTICLE 16.

Lord Robert Cecil stated that the Drafting Committee had slightly amplified this Article in so far as the question of passage of troops was concerned. The new draft now read:

“Upon the request of the Council they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the Covenants of the League.”

President Wilson remarked that the passage of troops raised a very serious question, a question more important than the severance of economic and financial relations, a question calculated to give rise to discussions and controversies which might delay the military action of the League.

Mr. Bourgeois said that the obligation to permit the passage of troops applied to States Members of the League who were confronted with an unanimous decision of the Council. If this provision were struck out there would be a danger of isolating a State which was forced to resist an aggressive State more powerful than itself.

Lord Robert Cecil stated that the Drafting Committee had been equally divided over the question of the right of passage. The Committee had finally proposed that this right should be accorded to the interested parties “at the request of the Council” and not *ipso facto* as was provided in the case of economic measures.

President Wilson believed that a number of the members of the Commission were opposed to the insertion of this provision relative to the right of passage of troops.

The amendment was withdrawn.

ARTICLE 17.

No remarks.

ARTICLE 18.

No remarks.

ARTICLE 19.

No remarks.

ARTICLE 20.

Mr. Larnaude presented a new form of words, of the nature of a compromise, with regard to the Monroe Doctrine, which had been

discussed at the last meeting: it had been agreed that the provisions relating to this doctrine should be inserted under Article 20. He thought that the Commission was not wholly in agreement on this question; so, in order to obtain unanimity, he proposed the following text:

"International understandings intended to assure the maintenance of peace, such as Treaties of arbitration, are not considered as incompatible with the provisions of this Covenant. Likewise with regard to understandings or doctrines pertaining to certain regions, such as the Monroe Doctrine, in so far as they do not in any way prevent the signatory States from executing their obligations under this Covenant."

This wording indicated that the Monroe Doctrine must not create obstacles to the fulfilment of obligations arising out of the present Covenant, and stated in so many words what President Wilson had said at the previous meeting. The President's statements, however, would only appear in the Minutes. If they should be included in the Covenant they would relieve the apprehension suggested by the present form of words. President Wilson had said the day before that the Monroe Doctrine was compatible with obligations arising out of the Covenant; it was the intention of Mr. Larnaude's amendment to state this fact rather than leave it unstated. Furthermore, in mentioning the Monroe Doctrine a special and privileged place had been given to the United States.

President Wilson feared that the proposed text would create the impression that there was an incompatibility between the Monroe Doctrine and the obligations of the Covenant and that an unwarranted suspicion would thus be cast upon the Doctrine.

Mr. Larnaude protested against this interpretation. He said that the proposed text was intended to clarify the situation by correcting the ill-informed opinion that the Monroe Doctrine prevented Europe from taking a hand in American affairs, and America from participating in the settlement of European questions. This misapprehension would be corrected if it were specifically stated that the Doctrine was not incompatible with the obligations arising out of the Covenant.

Lord Robert Cecil said that he did not desire either to support or to oppose the amendment. He merely wished to inquire whether this amendment would be likely to satisfy the criticisms and the fears which had arisen in the United States.

President Wilson remarked that there was no fear in America that the Monroe Doctrine was contrary to the obligations of the Covenant. There was, however, a fear that the Covenant might to some extent invalidate the Monroe Doctrine. If there were anything in the Doctrine inconsistent with the Covenant, the Covenant would take precedence over the Monroe Doctrine not only because

it was subsequent to it, but because it constituted a body of definite international engagements. No one could doubt that if the United States subscribed to these engagements, they would carry them out.

Mr. Larnaude was of opinion that his amendment would satisfy French anxieties and would not cause any dissatisfaction in the United States. What objection could there be to stating explicitly something which was known the world over? If there were the least implication of suspicion in his amendment another formula might be found which would eliminate this suspicion and still preserve the principle of his amendment. He thought that it was necessary to do this in order to secure the unanimous approval of the Commission.

Mr. Bourgeois remarked that the French amendment was based upon two different ideas: First, it was intended to state that there was no incompatibility between the Covenant and the Monroe Doctrine. Second, it associated with this Doctrine a group of ideas and understandings which likewise were intended to secure peace and which, consequently, were to be considered as understandings compatible with the Covenant. In this way a general principle was laid down and the Monroe Doctrine was made a particular application of this principle.

Mr. Kramar asked whether in case of a dispute between Paraguay and Uruguay the League of Nations would have the right to come to the aid of whichever of the two States was supported by the decision of the Executive Council.

President Wilson replied in the affirmative.

Lord Robert Cecil believed that the Monroe Doctrine would in no wise prevent the forces of an European State from going to America in order to defend the rights of the oppressed. The sole object of the Monroe Doctrine was to prevent any European Power from acquiring any influence, territory, or political supremacy on the American continent. The idea that the Monroe Doctrine would prevent the Executive Council, in the execution of an unanimous decision, from acting in Europe, America, Africa, or Asia, was a perversion of the Monroe Doctrine, and citizens of the United States would be the first to disclaim it.

President Wilson agreed.

Mr. Koo said that he was reluctant to prolong discussion of this amendment inasmuch as the Commission had discussed it for a long time on the previous day. Nevertheless, he thought that if the amendment which he had proposed at the previous meeting were adopted, the objections of the French and Czecho-Slovak Delegations as well as his own would be met. He had suggested adding after the word "understanding" the following clause:—

"Which are not incompatible with the terms of this Covenant and which are intended to assure the maintenance of peace, such as the Monroe Doctrine."

President Wilson made the same objections to this amendment which he had made to the French.

Mr. Koo proposed to add the words "or understandings" after the word "obligations" in the second line of the first paragraph of Article 20.

This amendment was adopted.

Mr. Larnaude proposed a new draft which was intended to correct the impression of suspicion in his first draft. The second sentence of his amendment was now to read as follows:—

"Similarly with regard to all other arrangements, particularly those pertaining to certain regions, such as arise out of the Monroe Doctrine, in so far as they conduce to the maintenance of the peace which it is the object of this Covenant to assure."

President Wilson thought that this draft was not satisfactory. Moreover a provision with regard to the Monroe Doctrine had been accepted the day before and the Commission had decided to make a separate Article of it.

Mr. Larnaude declared that if this were the case the French Delegation would be obliged to make a reservation.

President Wilson asked whether this reservation indicated that the French Delegation would publicly oppose the American amendment. He thought that such a situation would create a most unfortunate impression on the other side of the water.

Mr. Bourgeois had no intention of creating such an impression in the United States, but he wanted to avoid discussions which might take place before the Plenary Conference and in the press. He thought this result would be secured if the draft proposed by Mr. Larnaude were adopted.

President Wilson declared that the amendment was not adopted.

#### ARTICLE 21.

Lord Robert Cecil stated that a change had been made in this Article by the Drafting Committee, who had decided to add after the word "responsibility" in the second paragraph the words "and who are willing to accept it."

This amendment was adopted.

Viscount Chinda asked for an interpretation of the paragraph which referred to the administration of the South Pacific Islands.

President Wilson replied that this was a provision which had been adopted by the Council of Ten and that the Commission was not competent to change it.

Mr. Bourgeois proposed an amendment to Article 21 relating to the protection of historic monuments and antiquities found in Tur-

key. This amendment was proposed in a form which had been drawn for him by the French Minister of Public Education (Annex 3).<sup>1</sup>

President Wilson said that the Council of the League of Nations would doubtless accept with pleasure such a provision, which was completely in accord with the functions entrusted to it. It seemed unnecessary, however, to insert in the Covenant itself any provision with regard to this question.

Mr. Bourgeois made note of this statement which he considered satisfactory.

<sup>1</sup> This Annex is not with the Minutes. The proposal was as follows:

#### AMENDEMENT DE LA DÉLÉGATION FRANÇAISE À L'ARTICLE XXI.

#### PROJET D'ARTICLES DE LA CONVENTION ÉTABLISSANT LA COMMISSION RÉGULATRICE DES MANDATS DE LA SOCIÉTÉ DES NATIONS PRÉVUE PAR L'ARTICLE XXI DU PACTE.

1.—La Commission régulatrice des Mandats de la Société des Nations instituera une Sous-Commission d'Histoire et d'Archéologie, chargée d'assurer la conservation des monuments historiques et des objets d'antiquité se trouvant dans le territoire de l'Empire Ottoman tel qu'il existait en 1914, ainsi que d'en encourager la recherche et l'étude.

Cette Sous-Commission se composera de neuf personnes dont huit archéologues, nommées par la Commission régulatrice pour une période de cinq ans, et approuvées par le Conseil exécutif de la Société. Cette Sous-Commission se réunira au siège de la Société. Ses dépenses seront comprises parmi celles de la Commission régulatrice.

2.—Ladite Sous-Commission prendra connaissance des rapports envoyés à la Société par les Puissances mandataires relativement aux monuments historiques et à l'archéologie, elle étudiera toutes les questions dont la Commission régulatrice pourrait être saisie à leur sujet, et surveillera l'exécution des règlements et le fonctionnement de l'administration des antiquités établis par chacune des Puissances mandataires, dans le territoire qui lui sera dévolu.

#### PROJET D'ARTICLE À AJOUTER

##### (1) AU TRAITÉ ENTRE LA TURQUIE ET LES PUISSANCES ASSOCIÉES

ET

##### (2) À LA CONVENTION ENTRE LA SOCIÉTÉ DES NATIONS ET CHACUNE DES PUISSANCES MANDATAIRES.

Le Gouvernement ottoman ou la puissance mandataire dans le délai d'un an après le dépôt des ratifications du présent traité, adopteront un Règlement des Antiquités basé sur les principes contenus dans l'Annexe A du présent traité.

Le texte dudit règlement devra préalablement être approuvé par la Commission régulatrice des Mandats, qui aura le droit de le faire amender.

#### ANNEXE A.

##### PRINCIPES DU RÈGLEMENT DEVANT ÊTRE ADOPTÉ PAR CHACUNE DES PUISSANCES MANDATAIRES.

1.—"ANTIQUITÉ" signifie toute construction, tout produit de l'activité humaine, antérieur à l'année 1700.

2.—Toute personne qui, ayant découvert une antiquité, la signalera à un employé du Département des Antiquités du pays, sera récompensé suivant la valeur de l'objet, le principe à adopter devant être d'agir par encouragement plutôt que par menace.

## ARTICLE 22.

No remarks.

## ARTICLE 23.

No remarks.

## ARTICLE 24.

Mr. Bourgeois said that Article 24 seemed to him to give an exclusive position to the Red Cross without any reference to a great number of like associations which equally merited the support of the League of Nations, such as the International Society for the Prevention of Tuberculosis.

Lord Robert Cecil replied that Paragraph (f) of Article 22 was sufficiently broad to satisfy the anxieties of Mr. Bourgeois.

## ARTICLE 25.

Mr. Pessoa stated that, according to the Brazilian Constitution, Brazil could not accept any Treaty before ratification by its legislative body. It therefore followed that if Brazil were not a member of the Executive Council, or were not included in the majority of the Assembly which ratified an amendment, it could not be bound by a provision which had not been ratified by its Congress.

Mr. Reis made the same observation with regard to his own country. He asked whether a State would have the right to withdraw from the League if its parliament failed to ratify an amendment to the Covenant.

Lord Robert Cecil admitted that such a possibility might occur,

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3.—Aucun objet antique ne pourra être vendu sauf au Département des Antiquités du pays, mais si ce département renonce à l'acquérir, la vente en deviendra libre. Aucune antiquité ne pourra sortir du pays sans un permis d'exportation dudit Département.

4.—Toute personne qui, exprès ou par négligence, détruira ou détériorera un objet ou une construction antique devra être passible d'une peine à fixer par l'autorité du pays.

5.—Aucun déblaiement ni aucune fouille ayant pour objet la recherche d'antiquités ne seront permis sous peine d'amende, sauf aux personnes autorisées par le Département des Antiquités du pays.

6.—Des conditions équitables devront être fixées par chaque puissance mandataire pour l'expropriation temporaire ou permanente des terrains qui pourraient offrir un intérêt historique ou archéologique.

7.—Les autorisations pour les fouilles ne devront être accordées qu'aux personnes qui offrent des garanties suffisantes d'expérience archéologique. Aucune des puissances mandataires ne devra, en accordant ces autorisations, agir de façon à écarter, sans motif valable, les savants des autres nations.

8.—Les produits des fouilles pourront être divisés entre le fouilleur et le Département des Antiquités de chaque pays dans une proportion fixée par ce département. Si, pour des raisons scientifiques, la division ne semble pas possible, le fouilleur devra recevoir au lieu d'une partie de la trouvaille, une juste indemnité.

but said that the idea of amending the Covenant could not be given up because of the opposition of a small number of States.

Mr. Orlando thought that the situation was not a difficult one. No State could be compelled to act against its will. On the other hand no Treaty could be made rigid and unchangeable for centuries. He thought that the proper solution therefore was to permit a State to withdraw immediately from the League if it refused to accept an amendment to the Covenant.

After this discussion the Commission adopted the following Amendment:—

“Provided that no such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.”

### *Preamble.*

Mr. Bourgeois inquired whether the idea of “the peaceful settlement of international disputes” had been intentionally left out of the Preamble. This phraseology was very widely understood, it summarised the objects of the Covenant, and public opinion would not be able to understand why it had been omitted.

Lord Robert Cecil thought that the Convention to which Mr. Bourgeois referred was implied in the terms of the Preamble and that it would be unwise to change the text since every addition would give rise to hopes which it would be difficult to satisfy.

Baron Makino made the following statement:—

“I have already had occasion to bring up this subject before the committee, but it was in another form and with a different meaning. The subject is a matter of such great moment and concern for a considerable part of mankind and especially to the nation I represent, that I deem it my duty to present it again for your consideration. My reasons having already been set forth on a previous occasion, I shall now be as brief as possible.

“This League is intended to be a world instrument for enforcing righteousness and defeating force. It is to be the highest Court of Justice. It will, besides providing for social reforms, also look after the welfare and interests of the less advanced peoples by entrusting their government to mandatory States. It is an attempt to regulate the conduct of nations and peoples towards one another according to a higher moral standard than has obtained in the past, and to administer fairer justice throughout the world. These ideas have touched the inmost human soul and have quickened the common feeling of different peoples scattered over the five continents. It has given birth to hopes and aspirations, and strengthened the sense of legitimate claims they consider as their due.

“The sentiment of nationality, one of the strongest human feel-

ings, has been aroused by the present world-wide moral renaissance, and is at present receiving just recognition in adjusting international affairs. In close connection with the grievances of the oppressed nationalities, there exist the wrongs of racial discrimination which was, and is, the subject of deep resentment on the part of a large portion of the human race. The feeling of being slighted has long been a standing grievance with certain peoples. And the announcement of the principle of justice for peoples and nationalities as the basis of the future international relationship has so heightened their legitimate aspirations, that they consider it their right that this wrong should be redressed.

"It must be admitted that it has been possible to bring this work to this advanced stage, because the prevailing world opinion has backed the different Governments in working it out, and that the enduring success of this undertaking will depend much more on the adherence to (and espousal of) the noble ideals, set forth in the Preamble, of the various peoples concerned than on the support or acts of respective Governments that may change from time to time. The peoples constituting the States Members must be the future trustees of this work, and their close harmony and mutual confidence are necessary for insuring such success.

"Believing these conditions to be indispensable, I think it only reasonable that the principle of the equality of nations and the just treatment of their nationals should be laid down as a fundamental basis of future relations in this world organisation. If this reasonable and just claim is now denied, it will, in the eyes of those peoples with reason to be keenly interested, have the significance of a reflection on their quality and status. Their faith in the justice and righteousness, which are to be the guiding spirit of the Covenant, may be shaken.

"Such a frame of mind may, it is to be gravely feared, lead to their unwillingness and reluctance to carry out obligations, such as military contribution, which certain emergencies, foreseen in different articles, may require. A most deplorable situation may thus be created, now that the world is to move on a higher plane of international political life. It will not be easy for people to reconcile themselves to the idea of submitting to a call for heavy and serious obligations, perchance in defence of those at whose hands they are refused a just treatment. Such a contingency must be borne in mind, for pride is one of the most forceful and sometimes uncontrollable causes of human action.

"I state in all seriousness, that although at this particular centre of political life the practical bearing of such a dangerous development of the question may not at this moment be properly realised, I, for one, entertain much anxiety about the possible future outcome of this question."

"My amendment to the Preamble is simply to lay down a general principle as regards the relations between at least nationalities forming the League, just as it prescribes the rules of conduct to be observed between the Governments of the States Members.

"It is not intended that the amendment should encroach on the internal affairs of any nation. It simply sets forth a guiding principle for future international intercourse. The work of carrying out this principle comes within the indisputable competence of the proper authorities. This amendment does not fully meet our wishes, but it is an attempt to conciliate the view points of different peoples, the result arrived at after a thorough and mature consideration of various aspects and realities of present international relations."

Baron Makino asked therefore that, after the words "relations between Nations" in the Preamble, the following clause should be inserted: "by the endorsement of the principle of the equality of Nations and the just treatment of their nationals."

Lord Robert Cecil regretted that he was not in a position to vote for this amendment although he was personally entirely in accord with the idea advanced by the Japanese Delegation. The British Government realised the importance of the racial question, but its solution could not be attempted by the Commission without encroaching upon the sovereignty of States members of the League. One of two things must be true: either the points which the Japanese Delegation proposed to add to the Preamble were vague and ineffective, or else they were of practical significance. In the latter case, they opened the door to serious controversy and to interference in the domestic affairs of States members of the League. There were a great many things which the States themselves ought to do: but these were not included in the Preamble. For example, it had been found impossible to include in the text, matters so unquestionably right as those of religious liberty, the claims of the International Council of Women, and a great many other principles of this sort because they would result in infringements of the sovereignty of States. Furthermore, Japan would be permanently represented on the Executive Council and this fact would place her in a situation of complete equality with the other Great Powers. This being so, it would always be possible for her to raise the question of equality of races and of nations before the Council itself.

Viscount Chinda replied to the objections raised by Lord Robert Cecil. He pointed out that the Japanese Delegate had not broached the question of race or of immigration. He asked for nothing more than the principle of equality of nations and the just treatment of their nationals. These words might have a broad significance, but they meant that all the members of the League should be treated with equality and justice. He thought it quite as important to introduce this principle into the Covenant as it was to introduce such other

questions as the supervision of labour conditions, public health, traffic in arms, &c. Acceptance of the Japanese amendment would mean nothing except that the League of Nations was to be founded upon justice. Japanese public opinion was so strongly behind this amendment that he asked the Commission to put it to the vote. If the amendment were rejected, it would be an indication to Japan that the equality of members of the League was not recognised and, as a consequence, the new organisation would be most unpopular. The formula which he proposed was of great importance, and the national aspirations of Japan were depending upon its adoption. Public opinion in Japan was very much concerned over this question and certain people had even gone so far as to say that Japan would not become a member of the League of Nations unless she were satisfied on this point.

Mr. Orlando supported the Japanese amendment. Originally the Commission had been inclined to adopt an Article proclaiming the most important of all liberties, that of religion. He himself would have been glad if this Article had been retained in a Covenant which was intended to bind together nations of a democratic character. The equality of nations was a question which perhaps ought not to have been raised; but once having been raised, there was no other solution except that of adopting the amendment. Lord Robert Cecil had spoken of the practical reasons why its application would be difficult. Such an argument would carry weight if the Commission were considering the adoption of an Article in the Covenant which put the members of the League under a definite obligation. All that was now asked, however, was the insertion of a principle in the Preamble. If this principle were rejected, it would give rise to feelings which were hardly in harmony with the new organisation.

Mr. Bourgeois agreed with Mr. Orlando. He felt that it was impossible to vote for the rejection of an amendment which embodied an indisputable principle of justice.

Mr. Larnaude remarked that the Japanese amendment had now reappeared in an entirely different form and that it would be difficult not to adopt the principle of equality of nations as it was now proposed. Moreover, it was intended that this declaration should appear in the Preamble, and preambles ordinarily laid down broad declarations of principle which did not impose obligations so strict as those of subsequent articles. For these two reasons he thought that the Commission could not avoid voting for the amendment.

Mr. Veniselos reminded the Commission that he had been largely responsible for the disappearance of the religious liberty clause from the Covenant. He had thought that if this clause were cut out the difficulty relative to the racial question would likewise be eliminated. To-day, however, the question had appeared in a different light and Japan had taken her stand upon another ground; they were talking

not of the equality of races, but of the equality of nations themselves and of just treatment of their nationals. It would be very difficult to reject such a proposal especially since Baron Makino had carefully pointed out that his proposal did not involve any State in the obligation to pass any measures whatever with respect to immigration. If the Japanese amendment were accepted and were written into the Preamble, a clause relative to religious liberty might also be introduced.

Mr. Kramar could not see how any danger could arise out of the Japanese amendment. He himself was pretty well acquainted with a State where a certain Article 19 provided for the equality of nations and where these nations had been cruelly oppressed over a long period of time. He thought that the words of the Japanese amendment were entirely in harmony with the rest of the Preamble and particularly with the expression "open, just, and honourable relations."

Mr. Dmowski expressed himself as in entire sympathy with the Japanese Delegates, but he did not see how a general declaration could be included in the Preamble when it was not to be enforced by particular provisions in subsequent Articles.

Mr. Koo read the following statement:

"I believe that the principle contained in the Japanese amendment involves a number of questions to which time alone can give an universally satisfactory solution. Nevertheless I should be very glad indeed to see the principle itself given recognition in the Covenant, and I hope that the Commission will not find serious difficulties in the way of its acceptance. I should like to have my statement appear in the Minutes."

President Wilson felt that the greatest difficulty lay in controversies which would be bound to take place outside the Commission over the Japanese proposal, and that in order to avoid these discussions it would perhaps be wise not to insert such a provision in the Preamble. The equality of nations was a fundamental principle of the League of Nations. It was the spirit of the Covenant to make a faithful attempt to place all nations upon a footing of equality, in the hope that the greater nations might aid the lesser in advantageous ways. Not only did the Covenant recognise the equality of States, but it laid down provisions for defending this equality in case it should be threatened.

Baron Makino said that he did not wish to continue an unprofitable discussion, but in these matters he was representing the unqualified opinion of the Government of Japan. Therefore he could not avoid the necessity of asking the Commission to make a definite decision in this matter and he had the honour of asking his fellow-members to vote upon the question of the insertion of his amendment in the Preamble.

A vote was taken and eleven votes out of seventeen were recorded in favour of the amendment.

President Wilson declared that the amendment was not adopted inasmuch as it had not received the unanimous approval of the Commission.

Mr. Larnaude called attention to the fact that a majority had voted in its favour.

President Wilson admitted that a majority had so voted, but stated that decisions of the Commission were not valid unless unanimous, and the Japanese amendment had not received unanimous support. There was only one case where a decision of the majority had prevailed, and that was in the case of determining the Seat of the League. In that case it had been necessary to accept the opinion of the majority inasmuch as no other procedure was possible if the question was to be decided at all. In the present instance there was, certainly, a majority, but strong opposition had manifested itself against the amendment and under these circumstances the resolution could not be considered as adopted.

Mr. Vesnitch said that he had voted for the amendment because it laid down a principle of international law, that of the equality of nations. As for the question of "just treatment of their nationals," one could depend upon the honour of self-respecting nations to respect the citizens of other States. No one could deny these principles, and the vote taken by the Commission must have given satisfaction on this point to Baron Makino and to Japanese opinion at large.

Lord Robert Cecil thought it better that the Covenant should be silent on these questions of right. Silence would avoid much discussion.

President Wilson said that no one could dream of interpreting the vote which had just been taken as condemnation of the principle proposed by the Japanese Delegation.

Baron Makino said that he was sorry to insist upon the point, but asked that the number of votes which had been cast in favour of the Japanese amendment should appear in the Minutes. He would take the question up again on the first appropriate occasion.

Mr. Larnaude reminded the Commission that he had proposed, by way of compromise, a clause which should recognise the Monroe Doctrine in the Covenant and at the same time preserve the integrities of the principles upon which the Covenant was based.

President Wilson said that the proposed clause would raise objections in the United States and thought it would be better not to insist upon it.

Mr. Larnaude said that in these circumstances he would make a reservation on the matter and that the French Delegation would consult with its Government.

After an exchange of views between Mr. Bourgeois, Lord Robert Cecil, and Mr. Larnaude, it was decided that an agreement between the English and French texts should be reached by a small Drafting Committee composed of both French and English speaking members.

Lord Robert Cecil proposed that the Chairman should be entrusted with the duty of naming the four States to be represented on the Council in addition to the Five Great Powers.

Mr. Larnaude thought that this choice might be left to the representatives of the Five Great Powers who were to be members of the Council.

Mr. Orlando asked whether any neutrals would be included among these four States.

Lord Robert Cecil thought that three Allied Powers and one neutral might be named.

Mr. Veniselos asked how the representatives of a neutral State which was not yet a member of the League could become a member of the Council.

Lord Robert Cecil answered that neutral States would be admitted at once. Spain in particular had already indicated a desire to become a member of the League of Nations.

Mr. Bourgeois thought that the nomination of the four members of the Council who were to represent States with special interests was a political act of the greatest importance. Such a question could not be decided casually and it would be necessary that the Governments should be consulted on this matter.

Mr. Orlando said that the Commission had not the competence to decide this question.

Mr. Larnaude said that the Five Great Powers had been named by the Conference and asked how the four others could possibly be named by the Commission.

Lord Robert Cecil said that a similar question arose with regard to Article 1, namely, what neutral States should be invited to accede to the Covenant. Would the Plenary Conference have to undertake to draw up this list of invitations? He thought this list might fairly include the thirteen neutral States who had stated their views before the Commission. Last of all, there was the question of the provisional organisation of the League which might be entrusted to a committee of representatives of seven States (including two neutrals) who might be named by the Chairman.

Mr. Bourgeois inquired whether the Commission had the power to create such an organisation. At all events, the Commission ought to agree upon the names to be proposed as members of the Committee of Organisation and report them to the Plenary Conference for its approval.

Lord Robert Cecil replied that, if any work was to be done, an organisation would have to be provided as quickly as possible.

President Wilson said that the suggestion had been made that a Committee of Seven be nominated to report upon the provisional organisation of the League of Nations.

Lord Robert Cecil said that if there were any matters still undecided, each Delegation might send its observations on them to the President. Furthermore, the members of the Commission might present these views at the Plenary Conference.

The meeting adjourned at 12.50 A.M.

**Minutes (French) of the Commission on the  
League of Nations**

*[The Minutes of the last two meetings, the Fourteenth and Fifteenth,  
are lacking.]*

CONFÉRENCE  
DES  
PRELIMINAIRES DE PAIX

COMMISSION DE LA SOCIÉTÉ DES NATIONS.

La Conférence des Préliminaires de Paix, dans sa séance plénière du 25 janvier 1919 (Protocole No. 2) a décidé de nommer, pour l'étude de la constitution de la Société des Nations, une Commission composée de quinze membres à raison de deux membres pour chacune des Grandes Puissances (États Unis d'Amérique, Empire Britannique, France, Italie, Japon) et de cinq membres élus pour l'ensemble des Puissances à intérêts particuliers. Dans la réunion tenue par ces dernières Puissances le 27 janvier 1919, la Belgique, le Brésil, la Chine, le Portugal et la Serbie ont été choisis pour désigner chacun un Représentant (Voir Annexe VI du Protocole No. 2).

La composition de la Commission, à la suite de la désignation des Représentants de chacun des États intéressés, se trouve ainsi être la suivante :

ÉTATS-UNIS D'AMÉRIQUE :

Le Président des États-Unis ;  
Hon. Edward M. House.

EMPIRE BRITANNIQUE :

The Rt. Hon. the Lord Robert Cecil, K. C., M. P. ;  
Lt.-General the Rt. Hon. J. C. Smuts, K. C., Ministre de la  
Défense de l'Afrique du Sud.

FRANCE :

M. Léon Bourgeois, ancien Président du Conseil des Ministres,  
ancien Ministre des Affaires étrangères ;  
M. Larnaude, Doyen de la Faculté de droit de Paris.

ITALIE :

M. V. E. Orlando, Président du Conseil des Ministres ;  
M. Scialoja, Sénateur du Royaume.

## JAPON :

- Le Baron Makino, ancien Ministre des Affaires étrangères,  
Membre du Conseil diplomatique;  
Le Vicomte Chinda, Ambassadeur extraordinaire et Pléni-  
potentiaire de S. M. l'Empereur du Japon à Londres.

## BELGIQUE :

- M. Hymans, Ministre des Affaires étrangères, Ministre d'État.

## BRÉSIL :

- M. Epitacio Pessôa, Sénateur, ancien Ministre de la Justice.

## CHINE :

- M. Wellington Koo, Envoyé extraordinaire et Ministre pléni-  
potentiaire de Chine à Washington.

## PORTUGAL :

- M. Jayme Batalha Reis, Envoyé extraordinaire et Ministre  
plénipotentiaire du Portugal à Pétrougrade.

## SERBIE :

- M. Vesnitch, Envoyé extraordinaire et Ministre plénipoten-  
tiaire de S. M. le roi de Serbie à Paris.

## PROCÈS-VERBAL NO. I.

SÉANCE DU 3 FÉVRIER 1919.

La première séance est ouverte à 14 heures 30 à l'Hôtel Crillon  
sous la présidence du Président des États-Unis.

Sont présents :

Le Président Wilson et le Colonel House (États-Unis d'Amé-  
rique) ; Lord Robert Cecil et le Lt.-Gen. Hon. J. C. Smuts (Em-  
pire Britannique) ; MM. Léon Bourgeois et Larnaude (France) ;  
MM. Orlando et Scialoja (Italie) ; le Baron Makino et le Vicomte  
Chinda (Japon) ; M. Hymans (Belgique) ; M. Epitacio Pessôa  
(Brésil) ; M. Wellington Koo (Chine) ; M. Jayme Batalha Reis  
(Portugal) ; M. Vesnitch (Serbie).

Le Président soumet à la Commission un projet de Pacte, dont le  
texte figure en annexe ; il est convenu que ce projet servira de base  
aux délibérations de la Commission (Annexe 1).

M. Léon Bourgeois (France) dépose également sur le bureau de  
la Commission les propositions françaises relatives à la création d'une  
Société des Nations (Annexe 2).

Une discussion générale préliminaire est ouverte sur la procédure  
à adopter.

La réunion s'ajourne au lendemain 4 février 1919, à 20 heures 30.

La séance est levée à 17 heures.

## ANNEXES AU PROCÈS-VERBAL NO. 1.

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### ANNEXE I.

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#### PROJET DE PACTE

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##### PRÉAMBULE.

Afin d'assurer la paix et la sécurité internationales et aussi dans le but d'instaurer la coopération internationale, les Puissances signataires du présent Pacte, s'interdisant de recourir à l'emploi de la force armée, s'engageant à l'observation de relations loyales, justes et honnêtes entre nations, établissant une claire conception de l'esprit du droit international devant servir de règle de conduite entre les Gouvernements, s'obligeant au maintien de la justice et au respect scrupuleux dans les relations entre peuples organisés dans toutes les obligations des traités, adoptent les clauses suivantes pour la constitution de la Société des Nations :

##### ARTICLE PREMIER.

Selon les clauses du présent Pacte, l'action des Hautes Parties Contractantes s'exercera par des réunions de leurs délégués, par des réunions, à intervalles plus rapprochés, d'un Comité exécutif où seront représentés les États plus particulièrement intéressés dans les questions en discussion et par un Secrétariat international permanent établi dans la capitale de la Société.

##### ARTICLE 2.

Des Assemblées générales des Délégués se réuniront lorsqu'il y aura lieu, dans le but de traiter des questions appartenant à la sphère d'action de la Société.

Les réunions générales des Délégués se tiendront dans la capitale de la Société ou en tel autre endroit jugé convenable et ne comprendront pas plus de deux représentants de chacune des Hautes Parties Contractantes.

Les Ambassadeurs ou Ministres des Hautes Parties Contractantes auront qualité pour agir comme leurs représentants.

Dans les réunions générales des Délégués, toutes les questions de procédure, y compris la nomination des Comités chargés de l'examen de questions spéciales, seront réglées par l'ensemble des Délégués, et une décision sera prise à la majorité des voix des membres présents à l'Assemblée.

#### ARTICLE 3.

Les représentants des États adhérant à la Société, directement intéressés par des questions appartenant à la sphère d'action de la Société, se réuniront en Comité exécutif lorsqu'il sera jugé nécessaire.

Les États-Unis d'Amérique, la Grande-Bretagne, la France, l'Italie, le Japon seront considérés comme directement intéressés dans toutes les questions appartenant à la sphère d'action de la Société.

Des invitations seront adressées à toutes les Puissances dont les intérêts seront directement en jeu, et aucune décision, prise lors d'une Assemblée, ne liera un État qui n'aurait pas été invité à cette réunion.

Ces Assemblées se tiendront dans tel endroit qui pourra être désigné ou, en cas de désaccord, à la capitale de la Société, et tout sujet concernant les intérêts de la Société ou portant sur des questions appartenant à sa sphère d'action ou qui pourraient affecter la paix du monde, y sera traité.

#### ARTICLE 4.

Le Secrétariat permanent de la Société se tiendra à \_\_\_\_\_, qui sera considéré comme le siège de la Société. Le Secrétariat comprendra les secrétaires et le personnel nécessaires, sous la direction générale et le contrôle d'un Chancelier de la Société, qui sera désigné par le Comité exécutif et par lequel ils seront nommés, sous réserve de l'approbation du Comité exécutif.

Le Chancelier remplira les fonctions de Secrétaire dans toutes les Assemblées générales des Délégués ou du Comité exécutif.

Les frais du Secrétariat seront supportés par les États adhérant à la Société sur la même base que la répartition des frais de l'Union Postale internationale entre ses membres.

#### ARTICLE 5.

Les représentants des Hautes Parties Contractantes et les membres fonctionnaires (officiels) de la Société bénéficieront des privilèges et immunités diplomatiques; il sera accordé aux bâtiments occupés par la Société, par ses membres (officiels), ou par les représentants assistant à ses réunions, le privilège de l'extraterritorialité.

## ARTICLE 6.

L'admission à la Société d'États n'ayant pas signé le présent Pacte nécessite le consentement des deux tiers, au moins, de l'ensemble des Délégués.

La Société n'admettra aucun État qui ne se conformerait pas aux principes que pourra établir la Société en ce qui concerne ses forces navales et militaires ainsi que ses armements.

## ARTICLE 7.

Les Hautes Parties Contractantes s'engagent à respecter et préserver contre toute agression extérieure l'intégrité territoriale et l'indépendance politique existante de tous les États adhérant à la Société.

## ARTICLE 8.

Les Hautes Parties Contractantes reconnaissent le principe que le maintien de la Paix nécessitera la réduction au minimum compatible avec la sécurité intérieure des armements nationaux; et que l'exécution des obligations internationales aura à être assurée par l'action commune; le Comité exécutif élaborera les plans appropriés permettant cette réduction. Il se renseignera également quant à la possibilité d'abolir le service militaire obligatoire dans le but d'y substituer le système du volontariat, et aussi relativement à l'équipement militaire et naval qu'il sera raisonnable de maintenir.

Les Hautes Parties Contractantes reconnaissent également qu'une libre et entière publicité devra être donnée en ce qui concerne les questions relatives aux armements ainsi qu'aux programmes militaires et navals nationaux.

## ARTICLE 9.

Toute guerre ou menace de guerre, qu'elle affecte directement ou non l'une des Hautes Parties Contractantes est ici déclarée comme intéressant la Société et les Hautes Parties Contractantes se réservent le droit de recourir à toutes mesures qui leur paraîtront propres et efficaces pour sauvegarder la paix des nations.

Il est également ici déclaré et convenu que chacune des Hautes Parties contractantes devra attirer l'attention de l'ensemble des Délégués ou du Comité exécutif sur toutes les circonstances qui, en quelque lieu que ce soit, menaceraient de troubler la paix internationale ou le bon accord entre les nations sur lequel est fondé la paix.

## ARTICLE 10.

Les Hautes Parties Contractantes conviennent que s'il venait à s'élever entre elles des différends ne pouvant être aplanis par les procédés ordinaire de la diplomatie, elles ne recourraient en aucun cas à la force armée avant d'avoir soumis les questions et les faits du litige à l'arbitrage ou à une enquête du Comité exécutif et seulement trois mois après le jugement des arbitres ou la décision du Comité exécutif; elles ne pourront avoir recours à la force armée contre un membre de la Société qui s'en rapporterait au jugement des arbitres ou à la décision du Comité exécutif.

## ARTICLE 11.

Les Hautes Parties Contractantes conviennent que lorsqu'il s'élèvera entre elles un différend ou une difficulté susceptible d'être soumis à l'arbitrage et ne pouvant être réglé par la diplomatie, elles soumettront la question pleine et entière à l'arbitrage et s'en tiendront de bonne foi au jugement rendu ou à la décision qui sera prise.

## ARTICLE 12.

Le Comité exécutif élaborera les plans pour la création d'un Tribunal international permanent; ce Tribunal, une fois constitué, aura qualité pour entendre et juger toute question que les Parties reconnaîtront devoir être soumise à l'arbitrage en conformité de l'article précédent.

## ARTICLE 13.

S'il venait à s'élever, entre les États ayant adhéré à la Société, quelque désaccord susceptible de conduire à une rupture, qui ne soit pas soumis à l'arbitrage comme prévu ci-dessus, les Hautes Parties Contractantes conviennent qu'elles soumettront l'objet du litige au Comité exécutif; n'importe laquelle des Parties en désaccord pourra en aviser le Chancelier qui prendra toutes les dispositions pour qu'il soit procédé à une enquête et à un examen approfondis. A cet effet les Parties conviennent de communiquer au Chancelier un état de leurs revendications ainsi que tous les faits et documents s'y rattachant.

Lorsque les efforts du Comité exécutif tendront au règlement du désaccord, un procès-verbal indiquant la nature du désaccord et les termes du règlement et donnant les explications jugées utiles sera préparé pour publication. Si le désaccord ne peut être réglé, un rapport du Comité sera publié faisant ressortir, avec tous les faits et explications nécessaires, les recommandations que le Comité considérerait comme justes et appropriées au règlement du désaccord.

Si le rapport est approuvé à l'unanimité par les membres du Comité, n'étant pas parties au désaccord, les Hautes Parties Contractantes conviennent qu'aucun d'eux n'entrera en guerre avec une Partie s'étant conformée à ses recommandations. Si ce rapport ne peut être approuvé à l'unanimité des membres, il sera du devoir de la majorité de faire une déclaration, indiquant ce qu'ils croient être les faits de la controverse et contenant les recommandations qu'ils considèrent comme justes et appropriées.

Le Comité exécutif peut dans tous les cas, en vertu de cet article, soumettre le différend à l'Assemblée des Délégués. Le différend pourra ainsi être soumis à l'Assemblée, à la requête de l'une ou l'autre des Parties en désaccord. Dans tous les cas soumis à l'Assemblée des Délégués, toutes les clauses de cet article relatives à l'action et au pouvoir du Comité exécutif s'appliqueront également à l'action et aux pouvoirs de l'Assemblée des Délégués.

#### ARTICLE 14.

Dans les cas où la Société considérerait que l'une des Hautes Parties Contractantes a rompu ou ignoré les engagements pris par elle selon l'article 10, cette partie sera *ipso facto* considérée comme ayant commis un acte de guerre envers tous les autres membres de la Société, ce qui l'exposera immédiatement à la rupture de toutes relations commerciales ou financières, à l'interdiction de toutes relations entre ses citoyens et les citoyens de la Société et à la cessation dans la mesure du possible de toutes relations financières, commerciales ou personnelles entre ses citoyens et ceux des autres États, qu'ils soient ou non membres de la Société.

Dans ce cas il sera du devoir du Comité exécutif de spécifier l'importance des contingents militaires ou navals que chacun des membres de la Société devra fournir pour constituer la force armée destinée à protéger les engagements de la Société.

Les Hautes Parties Contractantes conviennent en outre qu'elles s'entr'aideront en ce qui concerne les dispositions financières ou économiques qui seront prises aux termes de cet article pour réduire au minimum les pertes et inconvénients résultant des mesures précitées et qu'elles s'entr'aideront pour résister à des mesures prises à l'égard de l'une d'elles par l'État qui a rompu ses engagements; elles s'engagent également à permettre aux forces des Hautes Parties Contractantes qui coopéreront pour protéger les engagements de la Société le libre accès de leur territoire.

#### ARTICLE 15.

En cas de désaccord entre un État membre de la Société et un autre qui n'y aurait pas adhéré ou entre plusieurs États n'étant

pas membres de la Société, les Hautes Parties Contractantes conviennent que cet État ou ces États seront invités à devenir *ad hoc* membres de la Société; sur acceptation de cette invitation, les clauses ci-dessus seront appliquées avec telles modifications qui seront jugées nécessaires par la Société.

Dès l'envoi de cette invitation, le Comité exécutif instituera une enquête sur les faits et les causes du désaccord et conseillera telle solution qui lui semblera la meilleure et la plus efficace en la circonstance.

Si une Puissance ainsi invitée à participer à la Société refusait de devenir membre et prenait une attitude agressive à l'égard d'un État adhérent à la Société, ce qui pour un État adhérent à la Société constituerait une infraction à l'article 10, les clauses de l'article 14 seront applicables à l'État ayant pris cette attitude.

#### ARTICLE 16.

Les Hautes Parties Contractantes confient à la Société la surveillance générale du commerce, des armes et munitions avec les pays où, dans l'intérêt commun, ce contrôle est nécessaire.

#### ARTICLE 17.

En ce qui concerne les territoires qui appartenaient autrefois à l'Empire allemand ou à la Turquie, et qui sont habités par des populations encore incapables de s'assurer le bénéfice d'une administration stable, les Hautes Parties Contractantes conviennent que le bien-être de ces populations constitue un dépôt sacré pour la civilisation et impose aux États adhérent à la Société l'obligation de les aider et les guider dans le développement de leur administration. Ils reconnaissent que toute ligne de conduite, eu égard à l'administration et au développement économique, devrait être basée en premier lieu sur les intérêts bien considérés des populations elles-mêmes, sur le maintien du système de la "porte ouverte" et sur les mêmes facilités pour toutes les Hautes Parties Contractantes quant à l'emploi et au développement des ressources économiques du territoire. Aucune force militaire ou navale ne sera constituée par les habitants de ces territoires en dehors de celle nécessaire à la défense et à la police intérieure.

#### ARTICLE 18.

Les Hautes Parties Contractantes s'efforceront d'établir et de maintenir des heures raisonnables et des conditions humaines de travail pour tous les individus dépendant de leurs juridictions respectives; elles exerceront leur influence en faveur de l'adoption et du maintien d'un système semblable et des mêmes garanties partout où s'étendront leurs relations industrielles et commerciales. Ils nommeront également des commissions pour étudier les conditions

de l'industrie et du travail au point de vue international et prendre des décisions à ce sujet, y compris l'extension et l'amélioration des conventions en cours.

#### ARTICLE 19.

Les Hautes Parties Contractantes sont d'accord de ne faire aucune loi interdisant le libre exercice des cultes ou y mettant entrave et de n'établir aucune distinction de droit ou de fait, à l'égard des personnes qui pratiqueraient une religion spéciale, ou une croyance ne portant pas atteinte à l'ordre public ou aux principes publics de morale.

#### ARTICLE 20.

Les Hautes Parties Contractantes se mettront d'accord quant aux dispositions qu'il conviendrait de prendre en vue d'instituer et de maintenir la franchise du transit et un traitement équitable pour le commerce de tous les États adhérant à la Société.

#### ARTICLE 21.

Les Hautes Parties Contractantes conviennent de faire enregistrer et publier sans délai par le Chancelier tout traité ou convention internationale passée entre les États membres de la Société.

#### ARTICLE 22.

Les Hautes Parties Contractantes sont d'accord individuellement pour que le présent Pacte abroge toutes obligations *inter se* qui seraient en contradiction avec ces clauses; elles s'engagent solennellement à ne prendre à l'avenir aucun engagement en contradiction avec les clauses dudit Pacte.

Au cas où l'une des Puissances signataires du présent Pacte ou admise par la suite dans la Société se trouverait antérieurement liée par certains engagements en contradiction avec les termes dudit Pacte, il serait de son devoir de prendre des dispositions immédiates en vue de se dégager de ces obligations.

### ANNEXE II.

#### TEXTES ADOPTÉS PAR COMMISSION MINISTÉRIELLE FRANÇAISE DE LA SOCIÉTÉ DES NATIONS.

#### I.

#### EXPOSÉ DES PRINCIPES SUR LESQUELS PEUT ÊTRE CONSTITUÉE LA SOCIÉTÉ DES NATIONS.

Le problème de la Société des Nations s'impose à l'étude de tous les Gouvernements. Historiquement, l'idée est fort ancienne, elle

a pris corps devant les États civilisés réunis aux deux Conférences de La Haye, en 1899 et 1907. Pratiquement, au cours de la présente guerre, elle a été reprise sous des formes diverses par les Gouvernements alliés dans leurs déclarations officielles, par le Président Wilson, dans sa note de décembre de 1916, et même par nos ennemis dans leurs réponses à la note du Pape du 16 août 1917. L'étude de la question ne saurait donc être écartée; elle peut et doit se poursuivre sans aucun empiétement sur l'examen des questions qui seront l'objet propre du traité de paix.

i. En déclarant que le sentiment du droit et de l'honneur les obligent à soutenir jusqu'à la commune et décisive victoire la guerre qui leur a été imposée par l'agression des Empires centraux, les Alliés entendent qu'un des résultats de cette victoire soit d'épargner au monde dans l'avenir le retour des tentatives de violence et des entreprises d'hégémonie d'un peuple quelconque et d'établir, sur une base définitive, dans l'humanité, le règne du droit.,

Ils déclarent que, pour assurer les conditions sans lesquelles il ne peut y avoir qu'une trêve dangereuse, et non une paix véritable, il est nécessaire de pourvoir à une organisation contractuelle et permanente des rapports entre les États, de manière à instituer entre eux cette Association à laquelle l'opinion universelle a donné le nom de "Société des Nations."

ii. La Société des Nations n'a pas pour objet l'établissement d'un État politique international. Elle se propose uniquement le maintien de la paix par la substitution du Droit à la force dans le règlement des conflits. Elle garantit donc également à tous les États, petits et grands, l'exercice de leur souveraineté.

iii. La Société des Nations est de tendance universelle, mais, par son objet même, elle ne peut s'entendre que de l'ensemble des Nations, fidèles à la parole donnée, qui se seront engagées solennellement à observer certaines règles pour maintenir la paix par le respect du Droit et pour assurer le libre développement de leur activité, et qui se seront donné les unes aux autres toutes les garanties nécessaires de fait et de droit.

En conséquence, n'y peuvent être admises que les Nations constituées en États et pourvues d'institutions représentatives permettant de les considérer comme responsables elles-mêmes des actes de leur propre Gouvernement.

iv. La Société des Nations est représentée par un organisme international composé des chefs responsables des Gouvernements ou de leurs Délégués.

Cet organisme international a les attributions suivantes:

- 1° Il pourvoit à l'organisation d'un tribunal international;
- 2° Il procède, par la voie d'une médiation précédée, s'il y a lieu, d'une enquête dans les termes de la Convention I de La Haye de 1907, au règlement amiable des contestations entre les États associés;

3° Au cas où le règlement amiable est impossible, il renvoie l'affaire devant le tribunal international, si celle-ci est susceptible d'une décision judiciaire; sinon, il lui appartient de la régler;

4° Il assure l'exécution de ses décisions et de celles du tribunal international; sur sa réquisition, chaque nation est tenue d'user, d'un commun accord avec les autres, de sa puissance économique, maritime et militaire contre toute nation contrevenante;

5° Chaque nation est également tenue, sur réquisition de l'organisme international, d'user, d'un commun accord avec les autres, de sa puissance économique, maritime et militaire contre toute nation qui, n'ayant pas adhéré à la Société des Nations, prétendrait imposer, par quelque moyen que ce soit, sa volonté à une autre.

v. Le tribunal international statue sur les contestations qui lui sont soumises, soit par l'organisme international, soit par un État ayant un litige avec un autre.

Il lui appartient de dire et proclamer le droit entre les États, tel qu'il résulte de la coutume et des conventions internationales, ainsi que de la doctrine et de la jurisprudence.

En cas de violation du droit il ordonne les réparations et sanctions nécessaires.

## II

### SANCTIONS DIPLOMATIQUES, JURIDIQUES ET ÉCONOMIQUES.

#### 1° Sanctions Diplomatiques.

Ces sanctions, qui doivent avoir pour résultat de mettre pendant un temps plus ou moins long l'État délinquant au ban des nations associées, se ramènent à trois:

a) *La suspension ou la rupture des rapports diplomatiques que cet État a jusqu'alors entretenus avec les autres États ayant adhéré à la Société des Nations;*

b) *Le retrait de l'exequatur accordé à ses consuls;*

c) *Son expulsion du bénéfice des accords internationaux d'un intérêt général, auxquels il a participé.*

#### 2° Sanctions Juridiques.

D'autre part, certaines sanctions d'ordre juridique permettront à la Société Nations, suivant les cas, d'obtenir le respect des principes dont elle aura la garde.

a) C'est ainsi que les infractions commises, encouragées ou tolérées par l'un des États associés, pourront entraîner à sa charge des *sanctions pécuniaires* qui lui seront appliquées par la Cour de justice internationale, conformément au principe général posé par l'ar-

ticle 3 de la Convention de La Haye du 18 octobre 1907 *sur les lois et coutumes de la guerre*.

b) Il est en outre des sanctions, appartenant au domaine juridique, qui, sans mettre en jeu la responsabilité pécuniaire immédiate de l'État en cause, exerceront une action très énergique et très pressante sur l'attitude et sur les décisions de ses représentants, à raison des sacrifices qu'elles imposeront aux intérêts privés des citoyens eux-mêmes. Il n'est pas question de dépouiller ces derniers des avantages du droit naturel; de les punir d'actes qui ne leur sont pas personnellement imputables; mais la solidarité nationale dont ils ont la charge en même temps que le bienfait, permet sans doute de leur retirer momentanément l'exercice de telle faculté qui, bien que n'étant pas indispensable à l'existence, contribue cependant à la faciliter.

Citons, comme particulièrement efficaces à ce point de vue: la *suspension* au regard des sujets de l'État *contrevenant des traités d'établissement, des conventions relatives à la protection des droits d'auteur et à la propriété industrielle, des conventions de droit international privé*, que cet État a conclues avec les autres États, membres de la "Société des Nations"; le *refus* aux nationaux de l'État, contrevenant de *l'accès des tribunaux* dans les pays associés; le *refus*, dans ce divers pays, de l'exéquatur aux sentences rendues par ses tribunaux, dans l'intérêt de ses ressortissants, *la saisie et la mise sous séquestre des biens meubles et immeubles* appartenant, dans les mêmes pays, à ses nationaux; *l'interdiction des relations commerciales* et même, le cas échéant, de *toute convention d'intérêt privé* avec les sujets des États faisant partie de la "Société des Nations."

Le tout, sans préjudice des *sanctions pénales* qui pourront frapper, par application des règles ordinaires de la compétence criminelle, l'individu dont les attentats ou les agissements auront compromis le maintien de la paix, et les mesures subsidiaires que la "Société des Nations" sera amenée à prendre pour assurer une répression, au cas où le Gouvernement du pays auquel ressortit le coupable ne l'assurera pas lui-même.

### 3° Sanctions Économiques.

D'autres sanctions, d'ordre économique, pourront être mises à la disposition de la "Société des Nations"; elles lui donneront le moyen d'exercer, par des mesures diverses, pouvant aller jusqu'à une mise en interdit total, sous le rapport commercial, industriel ou financier, une contrainte efficace sur l'État qui aura méconnu le pacte social.

Ces mesures sont notamment:

a) Le *blocus*, consistant à mettre obstacle par la force à toute relation commerciale avec le territoire de cet État;

b) *L'embargo*, c'est-à-dire la saisie et la mise sous séquestre provisoire, dans les ports et dans les eaux territoriales des États associés, des navires et des cargaisons appartenant à l'État coupable et à ses nationaux, ainsi que la saisie de toutes marchandises à destination de cet État;

c) *Le refus des matières premières* et des denrées alimentaires indispensables à sa vie économique;

d) *L'interdiction d'émettre des emprunts publics* sur les territoires des Nations associées, le refus de l'*admission à la cote* du marché officiel pour les valeurs émises en dehors, et même le *retrait de l'admission* antérieurement accordée.

Les sanctions ainsi prévues seront d'autant plus efficaces et d'autant plus promptes dans leur application que les États associés se seront préalablement entendus pour s'assurer par une organisation économique propre à faciliter leur entre aide, contre toutes répercussions à leur détriment.

Ce simple tableau montre que la "Société des Nations" ne sera pas désarmée, lorsqu'il s'agira de faire respecter ses décisions, et d'imposer à ceux qui viendraient la troubler, la paix par le droit, dont le maintien sera sa raison d'être.

### III.

#### SANCTIONS MILITAIRES.

##### I. FORCE INTERNATIONALE.

L'exécution des sanctions militaires sur terre et sur mer est confiée soit à un effectif international, soit à une ou plusieurs Puissances faisant partie de la "Société des Nations" et ayant reçu mandat à cet effet.

L'organisme international dispose d'une force militaire fournie par les différents États adhérents et suffisante pour :

1° Assurer l'exécution de ses décisions et de celles du Tribunal international;

2° Maîtriser, le cas échéant, les forces qui pourraient être opposées à la Société des Nations en cas de conflit armé.

##### II. EFFECTIFS DES CONTINGENTS INTERNATIONAUX.

L'organisme international détermine l'effectif de la force internationale et fixe les contingents qui doivent être tenus à sa disposition.

Chacun des États adhérents est libre de régler, comme il le juge à propos, les conditions dans lesquelles sera recruté son contingent.

La question de la limitation des armements dans chacun des États adhérents sera traitée dans un chapitre spécial.

## III. SERVICE PERMANENT D'ÉTAT-MAJOR.

Un service permanent d'État-Major international est chargé de l'étude des questions militaires intéressant la Société des Nations. Chaque État désigne le ou les officiers qui le représentent suivant une proportion qui sera à déterminer.

Le chef et les sous-chefs de ce service sont désignés pour une période de trois ans par l'organisme international sur une liste présentée par les États adhérents.

## IV. RÔLE DU SERVICE PERMANENT D'ÉTAT-MAJOR.

Le service permanent d'État-Major international est chargé, sous le contrôle de l'organisme international, de tout ce qui a trait à l'organisation des forces communes et à la conduite éventuelle des opérations militaires. Il a notamment pour mission d'inspecter les effectifs internationaux et les armements d'accord avec les autorités militaires de chaque État et de proposer les améliorations qui lui semblent nécessaires, tant dans l'organisation militaire internationale que dans la constitution, la composition et le recrutement des effectifs de chaque État.

L'État-Major rend compte, soit d'office, soit sur la demande de l'organisme international, du résultat de ses inspections. L'instruction militaire est donnée dans chaque État adhérent, conformément à des règles destinées à uniformiser, autant que possible, l'armement et les moyens d'action mis en œuvre par des troupes destinées à agir de concert.

L'organisme international est en droit, à tout moment, d'exiger que les États adhérents apportent dans leur recrutement national toutes les modifications dont la nécessité lui est signalée par le service d'État-Major.

## V. COMMANDANT EN CHEF ET CHEF D'ÉTAT-MAJOR GÉNÉRAL.

Lorsque les circonstances l'exigent, l'organisme international désigne, pour la durée de l'opération à entreprendre le Commandant en Chef chargé de la direction des forces internationales.

Le Commandant en Chef, dès sa nomination, choisit son Chef d'État-Major général et les officiers qui doivent l'assister.

Les pouvoirs du Commandant en Chef et de son Chef d'État-Major Général prennent fin lorsque les circonstances permettent de ne plus redouter un conflit armé ou lorsque l'effet attendu des opérations militaires est atteint.

Dans les deux cas, une décision de l'organisme international fixe la date à laquelle prennent fin les pouvoirs du Commandant en Chef et de l'État-Major général.

## IV.

## RÔLE ET FONCTIONNEMENT DU CONSEIL INTERNATIONAL.

L'opinion publique des Nations civilisées, qui déjà a vu dans les Conférences de la Haye un pas accompli vers la consécration et l'application des principes de droit et d'équité comme garanties de la sécurité des États et du bien-être des peuples, réclame unanimement un effort nouveau dans la même voie. Après les applications de plus en plus importantes de l'arbitrage, après la création d'un organisme judiciaire international et l'institution de procédure d'enquête et de médiation, elle considère comme indispensable l'établissement de garanties plus concrètes, afin que la paix règne par le droit organisé.

La question de l'institution d'un organe international permanent chargé de réaliser les fins propres de la Société des Nations est ainsi posée.

Il n'est pas question de faire de la Société des Nations un Sur-État, ni même une Confédération. Le respect de la souveraineté des États, la diversité des traditions nationales, celle des conceptions politiques et juridiques, l'antinomie des systèmes administratifs, l'opposition des intérêts économiques écartent l'idée d'une telle création, mais l'opinion des peuples libres serait déçue si de la crise actuelle ne sortait pas l'institution d'un organe international capable de contribuer, par une vigilance constante et une autorité suffisante, au maintien de la paix.

Conformément à l'exposé de principes adopté par la Commission le 18 janvier, cet organe, constitué sous la forme d'un Conseil international, tire son autorité de l'engagement réciproque pris par chacune des Nations associées d'user avec les autres de sa puissance économique maritime et militaire contre toute nation contrevenant au pacte social.

## I. MAINTIEN DE LA PAIX ENTRE LES NATIONS ASSOCIÉES.

La mission de ce Conseil est de rechercher et d'employer tous les moyens d'empêcher les conflits internationaux.

À cet effet :

1° Le Conseil international est chargé de maintenir et de développer les institutions judiciaires internationales créées à La Haye et de provoquer, au besoin, les décisions internationales de nature à les compléter ;

2° Le Conseil international procède, soit sur demande des parties, soit sur l'initiative d'un État tiers, au règlement amiable des différends de nature à menacer la paix entre les États associés ; à défaut d'une semblable demande il est tenu de prendre l'initiative de ce règlement ;

3° Il procède d'abord, soit par voie de bons offices et de médiation précédée, s'il y a lieu, d'une enquête dans les termes de la Convention 1 de La Haye de 1907, soit en rappelant aux États en litige que la Cour permanente leur est ouverte;

4° S'il n'aboutit pas ainsi à un règlement amiable, le Conseil international recherche si l'affaire est d'ordre juridique et, dans ce cas, il prononce que les États litigants doivent soumettre leur différend à la juridiction internationale qui en connaîtra conformément au Titre IV de la Convention 1 de La Haye; à défaut d'établissement du compromis par l'accord des parties, la Cour de La Haye est compétente pour le rédiger par extension de l'article 53 de ladite Convention;

5° Le Conseil international assure l'exécution des sentences de la juridiction internationale en provoquant, s'il y a lieu, l'application de sanctions diplomatiques, juridiques, économiques, militaires;

6° Dans le cas où le Conseil international estime que l'affaire n'est pas de nature à être définitivement réglée par une décision judiciaire, il en demeure directement saisi.

Il en tente d'abord le règlement amiable et au cas où il n'y pourrait parvenir, usant de son pouvoir propre, il formule les termes dans lesquels le conflit doit être réglé pour assurer le respect des droits de chaque État et le maintien de la paix.

Cette décision est notifiée aux États en cause, il leur est fait connaître qu'à partir de cette date le conflit n'existe plus entre les États contestants, mais entre l'ensemble des États associés et celui qui, en se refusant à accepter cette décision, viole le principe même de l'acte d'association.

Si, après une mise en demeure, l'État en cause se refuse à accepter la décision prise, le Conseil international lui notifie les mesures coercitives d'ordre diplomatique, juridique, économique ou militaire qui, dans un délai déterminé, seront prises contre lui.

## II. DÉFENSE CONTRE LES ATTAQUES VENANT D'ÉTATS NON ASSOCIÉS.

Si un État qui n'a pas adhéré à la Société des Nations prétend imposer, par quelque moyen que ce soit, sa volonté à l'une des Nations associées, le Conseil international, après avoir épuisé les moyens de conciliation, décide les mesures à prendre et provoque la mise en action, contre cet État, des moyens juridiques, diplomatiques et militaires dont disposent toutes les Nations associées.

## III. MESURES DE PRÉCAUTION À PRENDRE.

Contre le Risque d'Extension de Conflits Éclatant Entre des États non Associés.

Lorsqu'un conflit menace d'éclater entre deux Nations n'appartenant pas à la Société des Nations, le Conseil international a le devoir

d'écarter tout risque d'extension pouvant intéresser les États associés, et d'employer tous les moyens en son pouvoir pour provoquer une solution pacifique.

## V

### COMPOSITION DU CONSEIL INTERNATIONAL ET DE LA DÉLÉGATION PERMANENTE.

Le Conseil international représentant toutes les Nations adhérentes au pacte pour le règne de la Paix par le droit organisé est constitué de la façon suivante :

1° Chaque État associé est représenté soit par le Chef de son Gouvernement, soit par un représentant de ce Gouvernement ayant les pouvoirs nécessaires pour engager, par son vote, la responsabilité de l'État.

2° Le Conseil international réuni en session plénière a seul le pouvoir de décision dans toutes les affaires de sa compétence. Il proclame la solution à donner aux contestations entre les États en litige ; au cas où l'un de ces États se refuse à accepter cette décision, il provoque l'application des sanctions par les Gouvernements des États associés.

3° Le Conseil international tient une session ordinaire une fois par an. Il fixe à chaque session la date de sa prochaine réunion ; il fixe également le lieu de cette réunion.

4° Les membres du Conseil international désignent par accord entre eux les membres de la Délégation permanente qui, dans l'intervalle des sessions, reçoit les communications désignées au Conseil, prépare ses travaux, conserve ses archives et, dans les cas urgents, avise les membres du Conseil et leur propose la réunion d'une session extraordinaire.

5° Les membres de la Délégation permanente sont au nombre de quinze ; ils sont désignés pour \_\_\_\_\_ ans ; leur mandat est renouvelable.

6° Le Conseil international fixe les pouvoirs de sa Délégation permanente.

7° Le Conseil international se réunit en session extraordinaire, soit sur la proposition de la Délégation permanente, comme il a été dit au paragraphe 4, soit sur la requête d'un ou de plusieurs des États associés.

8 juin 1918.

## ANNEXE III.

### PROJET D'UN ACTE GÉNÉRAL

#### RELATIF A L'ÉTABLISSEMENT DE LA SOCIÉTÉ DES NATIONS

#### *Présenté Par La Délégation Italienne.*

Le Président des États-Unis d'Amérique, le Président de la République Française, S. M. le Roi du Royaume-Uni de Grande-

Bretagne et d'Irlande, S. M. le Roi d'Italie et S. M. l'Empereur du Japon, animés du désir d'assurer le maintien de la paix et des rapports durables d'amitié entre les États, ainsi que d'obtenir une pratique plus rigoureuse de la justice et de l'équité internationales et de pourvoir d'un commun accord à la réalisation plus parfaite des fins d'intérêt commun.

Ont convié tous les États qui ont pris part à la Conférence réunie à Paris au mois de janvier 1919, dans le but de constituer à cet effet une "Société des Nations."

Tous les États qui ont pris l'initiative de cette invitation et l'ont acceptée, convaincus qu'il importe, à telle fin, d'établir un ordre de rapports juridiques internationaux propre à garantir à chaque Nation librement constituée les conditions nécessaires à son développement indépendant et autonome, ainsi que le moyen de concourir avec les forces dont elle dispose au bien-être et au progrès civil de l'humanité,

Déclarent solennellement leur intention sincère et inébranlable de régler leur conduite d'après les principes fondamentaux suivants :

I. Tous les États sont égaux en droit ; les inégalités de fait ne peuvent être invoquées pour justifier tout acte, omission ou prétention inconciliable avec le respect des droits d'autrui et avec l'accomplissement des devoirs internationaux de chacun.

Les États les plus avancés sont tenus de prêter leur assistance, sous la surveillance de la Société des Nations, pour assurer un Gouvernement régulier aux pays qui n'ont pas encore pu atteindre un degré de civilisation suffisant et pour en favoriser le progrès.

II. Tout acte ou prétention qui implique une diminution ou une menace pour l'indépendance politique ou pour l'intégrité territoriale d'un État est en contradiction avec les principes sur lesquels repose la Société internationale.

III. Chaque État a le droit de participer au commerce et au trafic internationaux dans des conditions d'égalité juridique. Les restrictions douanières, sanitaires ou autres de nature analogue, que chaque État peut imposer en obéissant à une nécessité qui lui est propre, ne sont pas en contradiction avec cette liberté, ni avec cette égalité.

IV. La navigation est libre pour les navires marchands de tout pavillon. Les droits de souveraineté sur les eaux territoriales et sur les ports ne peuvent pas être exercés de façon à compromettre l'essence de cette liberté.

V. La distribution internationale des denrées et des matières premières nécessaires à l'alimentation et à l'industrie doit être disciplinée de façon à assurer à chaque pays les conditions indispensables à son existence et à son travail.

VI. Les mesures visant la protection des droits et des intérêts des travailleurs seront fixées et appliquées dans chaque pays sans distinction de nationalité. Ne sont pas considérées en contradiction avec cette égalité de traitement les limitations que chaque État peut imposer à l'exercice de métiers déterminés de la part de sujets étrangers et à

l'emploi de la main-d'œuvre étrangère pour des travaux déterminés

VII. Aucun État ne peut se dégager des obligations assumées par un traité international, en dehors des termes prévus ou sans le consentement de toutes les Parties contractantes, sauf le recours aux organes compétents pour résoudre les controverses qui pourraient dériver du dissentiment des parties.

VIII. On ne pourra stipuler des Conventions internationales secrètes.

Les États contractants s'engagent à garantir dans leurs rapports réciproques l'application de ces principes, à sauvegarder et à poursuivre les intérêts communs conformément aux mêmes principes, moyennant :

a) La constitution et le fonctionnement d'organes internationaux spéciaux, en conformité avec les règles spéciales appropriées aux différents buts qu'il s'agit d'atteindre;

b) La détermination de procédures spéciales conçues en vue de prévenir et de résoudre tous les conflits qui pourraient surgir entre les États contractants;

c) La sanction de mesures coercitives destinées à réprimer toute violation des accords conclus entre les États, conformément à cet acte.

Et pour traduire en actes dès à présent, autant que les circonstances le permettent, les intentions ainsi manifestées, les États contractants conviennent ce qui suit :

## DISPOSITIONS GÉNÉRALES.

### ARTICLE PREMIER.

Les États contractants s'engagent :

a) A résoudre les controverses de toute espèce qui pourraient surgir entre eux, selon les dispositions du présent acte;

b) A respecter et à exécuter de bonne foi les décisions qui-seront prononcées en conformité avec le présent acte;

c) A s'abstenir d'appliquer l'un contre l'autre des moyens de coercition, sauf dans les cas et dans les termes prévus au Titre iv du présent acte.

Les États s'engagent en conséquence à réduire leurs forces armées de toute espèce dans les limites nécessaires d'après les dispositions qui seront fixées dans un protocole spécial.

### ARTICLE 2.

Toute convention que les États signataires de cet acte, ou les États qui ont adhéré à cet acte pourraient conclure en contradiction avec les principes formulés dans le préambule ou avec les règles contenues dans les articles suivants, sera nulle et de nul effet.

La nullité et l'inefficacité seront déclarées à la demande de chaque État intéressé, dans les formes prévues par le Titre II du présent acte.

### TITRE PREMIER.

#### RÈGLEMENT ET ADMINISTRATION DES INTÉRÊTS COMMUNS.

##### ARTICLE 3.

Les représentants de tous les États contractants se réuniront en des conférences périodiques, dans la ville de . . . . . pour procéder d'un commun accord à la détermination progressive des règles de droit international ainsi qu'à l'examen et à la discussion des problèmes généraux d'intérêt commun.

Chaque Conférence fixera la date de la réunion suivante.

##### ARTICLE 4.

Chaque État prendra part avec une voix aux délibérations des Conférences, mais il pourra s'y faire représenter par plusieurs Délégués, dont le nombre ne pourra être supérieur à trois.

Les propositions qui auront obtenu au moins les deux tiers des voix favorables des États représentés à la Conférence seront considérées comme acceptées, à moins qu'il ne soit disposé autrement dans le présent acte.

##### ARTICLE 5.

Un Conseil composé d'un représentant pour chacune des Puissances qui ont pris l'initiative de cet acte et qui sont indiquées dans le préambule et de quatre représentants des autres Puissances contractantes, choisis par chaque Conférence, ainsi que d'un nombre égal de membres suppléants, choisis par les mêmes procédés, pour remplacer les membres effectifs en cas d'absence ou d'empêchement, se réunira généralement tous les ans et toutes les fois que les circonstances pourront le requérir afin de traiter les affaires générales d'intérêt commun qui demandent ou qui exigent des décisions plus rapides.

Le Conseil élit chaque année dans son sein au scrutin secret et à la majorité des voix, un président et un vice-président; au cas de partage des voix, le doyen d'âge est considéré comme élu au second tour de scrutin.

##### ARTICLE 6.

Par les soins et sous la dépendance du Conseil, un Secrétariat permanent (*Bureau*) sera organisé et siégera à . . . . .

Le bureau devra aussi coordonner, autant qu'il sera nécessaire, les décisions des Conférences, en garder les actes et recueillir les documents relatifs à l'application des délibérations adoptées.

#### ARTICLE 7.

Un "Comité économique," un "Comité du travail" et un "Comité militaire" seront organisés sous la dépendance du Conseil et selon les règles qu'il jugera plus utiles. Au "Comité économique" appartiendra l'élaboration des données pour la résolution des problèmes internationaux concernant les matières économiques et financières, en vue de préparer une coordination progressive et harmonieuse des intérêts de chaque pays en ce domaine.

Le "Comité du travail" rassemblera les éléments et formulera les propositions utiles à la protection des travailleurs et à la résolution des problèmes internationaux les concernant; il donnera son avis dans tous les différends internationaux dérivant de l'interprétation ou de l'application des traités de travail entre les Parties contractantes.

Le "Comité militaire" rassemblera les matériaux et proposera les mesures qui peuvent servir à résoudre les problèmes de caractère militaire propres à intéresser la Société des Nations.

#### ARTICLE 8.

Les Unions, les Instituts et les Bureaux internationaux constitués en vue de sauvegarder et d'administrer des intérêts communs déterminés rentrent dans l'organisation générale de la Société des Nations, régie par le présent acte.

Rien n'est changé en ce qui concerne les États ne participant pas à cette organisation.

#### ARTICLE 9.

Lorsque les circonstances l'exigeront, pour la réalisation des principes formulés dans le préambule et à toute autre fin propre à être atteinte en forme collective, l'on procédera à la constitution d'autres organes internationaux entre les Parties contractantes ou quelques unes d'entre elles, selon les dispositions que l'on jugera les plus utiles.

### TITRE II.

#### SOLUTION DES CONFLITS INTERNATIONAUX

##### CHAPITRE PREMIER.

##### *Conseil d'enquête et de conciliation.*

#### ARTICLE 10.

Tout différend surgissant entre les Parties contractantes, qu'il n'aura pas été possible de régler par des négociations à l'amiable,

devra être soumis, en principe, à un jugement d'arbitrage. Si les Parties ne se mettent pas d'accord pour organiser ce jugement, le différend sera déféré sur la demande même d'une seule Partie au Conseil dont il est question à l'article 5. Le Conseil, s'étant adjoind un représentant de chacune des Parties en litige, dans le cas où chacune des Parties ne serait pas déjà représentée dans son sein, fonctionnera dans ce cas en qualité de "Conseil d'enquête et de conciliation." Si dans le délai qui leur sera indiqué, une des Parties contractantes n'avait pas procédé à la nomination de son représentant, le Conseil procédera sans lui.

#### ARTICLE II.

Les représentants qui seront en fonction au moment où le Conseil sera saisi d'une contestation, continueront de faire partie du Conseil pour examiner cette affaire, même si, dans l'intervalle, leur mandat venait à expirer et n'était pas renouvelé.

La présidence du Conseil ne peut être attribuée au représentant de l'un des États intéressés dans le litige. Le Président sera remplacé, le cas échéant, par le Vice-Président et celui-ci par le représentant le plus ancien au point de vue de la date de la nomination, et dans le cas d'ancienneté égale, par le représentant le plus âgé.

#### ARTICLE I2.

L'État qui compte saisir le Conseil adressera à celui-ci une demande contenant l'exposition du litige et ses propres demandes.

Aussitôt qu'il aura été saisi de la demande, le Conseil en ordonnera la communication aux autres États intéressés et fixera à chacun un terme convenable pour présenter ses remarques et ses contre-propositions.

#### ARTICLE I3.

Le Conseil fera tels essais et telles propositions qu'il jugera utiles en vue du règlement amiable de la contestation. S'il ne juge pas opportun de faire de pareils essais ou dans le cas de leur échec, le Conseil prendra sans délai une décision, en conformité avec les dispositions de l'article suivant.

#### ARTICLE I4.

Si la contestation a été portée devant le Conseil par une des Parties et si l'autre ne s'est pas présentée ou a déclaré que la contestation doit être réglée par un jugement, le Conseil examine le caractère du différend et, s'il estime que par sa nature ou en vertu d'accords précédents, auxquels il n'y a pas raison de déroger, le litige doit être résolu suivant les règles du droit international plutôt que suivant des

considérations politiques ou des raisons d'équité il renvoie les Parties devant la "Cour internationale de Justice."

Dans tous les autres cas, le Conseil tranche la question, à moins qu'étant donné l'importance et le caractère des intérêts en litige et l'ensemble des circonstances de la contestation, il ne juge utile de la déférer à la Conférence visée à l'article 3.

#### ARTICLE 15.

La Conférence et le Conseil arrêtent leur procédure ils peuvent nommer une commission d'enquête pour certifier les faits, formuler des rogatoires pour recueillir les preuves, et demander la communication de documents, avec toutes les précautions nécessaires pour la sauvegarde de la sûreté des États.

Les États contractants s'engagent à satisfaire à pareilles requêtes.

#### ARTICLE 16.

La Conférence et le Conseil prononcent leurs arrêts s'inspirant de principes d'équité et d'opportunité politique, de façon à pouvoir assurer l'établissement de rapports justes et stables entre les Parties en litige.

#### ARTICLE 17.

Les délibérations dont il est question dans ce chapitre auront plein effet lorsqu'elles seront prises à la majorité des deux tiers des votants. La minorité aura toujours le droit de formuler son vote motivé, qui sera rendu public en même temps que la décision adoptée.

Lorsque la majorité sera inférieure aux deux tiers des voix, la délibération aura la valeur d'une simple recommandation faite aux parties; le différend pourra, en pareil cas, être déféré par le Conseil à la Conférence et par la Conférence à une Conférence ultérieure.

### CHAPITRE II.

#### *Cour internationale de Justice.*

#### ARTICLE 18.

Une "Cour internationale de Justice" composée de juges nommés par tous les États contractants est instituée à la Haye. Chaque État nomme un juge. La nomination est faite pour une période de six ans; le mandat peut toujours être renouvelé.

#### ARTICLE 19.

La Cour élit dans son sein tous les deux ans un Président et un Vice-Président; l'élection est faite à la majorité des voix au scrutin secret; dans les cas d'égalité des voix, au second tour le doyen d'âge est considéré élu.

## ARTICLE 20.

Le Bureau de la "Cour permanente d'Arbitrage" tel qu'il a été institué par la Convention de la Haye du 29 juillet 1899 pour le règlement pacifique des conflits internationaux sert de greffe à la "Cour internationale de Justice."

## ARTICLE 21.

La Cour procède à sa constitution en sections, en vue de chaque jugement. La section est composée :

1° Du Président de la Cour ou en cas d'empêchement du Vice-Président ;

2° De juges choisis parmi les membres de la Cour, un pour chacune des Parties en litige ;

3° De quatre juges élus par la Cour au scrutin secret parmi ses membres. Chaque membre vote pour deux noms et les quatre ayant obtenu le plus grand nombre de suffrages sont considérés comme élus.

Si toutefois, étant donné le nombre des parties en conflit, la section était composée d'un nombre pair de membres, la Cour élira cinq juges et chaque membre votera pour trois noms.

En cas de partage des voix, le doyen d'âge est considéré comme élu.

Si une des parties ne nomme pas son juge, la Cour le nommera au scrutin secret par un vote séparé.

## ARTICLE 22.

La "Cour internationale de Justice" est compétente pour juger :

a) Toutes les contestations que les Parties lui soumettent d'un commun accord en vertu d'un compromis régulier.

b) Celles qui lui sont déférées sur la demande d'une Partie seulement en cas de renvoi par le Conseil, d'après l'article 15 du présent acte, auquel cas l'existence d'un compromis n'est pas nécessaire.

## ARTICLE 23.

Si la contestation est déférée à la Cour par voie de compromis, celui-ci doit contenir l'indication du juge choisi par chacune des Parties. Le Président convoque immédiatement la Cour qui procède à l'élection des autres juges, selon les dispositions de l'article 21.

Si la contestation est introduite sur la demande d'une Partie, cette demande contiendra la désignation du juge choisi par elle. Le Président fera notifier la demande à l'autre Partie, l'invitant à désigner le juge qu'elle aura choisi dans un terme péremptoire qui ne pourra dépasser trente jours. La désignation une fois reçue ou le terme

écoulé, le Président convoque la Cour qui procède à l'élection de la manière indiquée plus haut.

#### ARTICLE 24.

La section ne peut être modifiée au cours du jugement en vue duquel elle a été constituée.

Si l'un des juges vient à manquer, il sera remplacé par un autre choisi par les Parties ou élu par la Cour de la même manière que celui qu'il remplace. Le remplacement devra être fait dans le plus court délai possible et dans tous les cas pas au delà de trente jours à partir de la notification de la vacance survenue.

#### ARTICLE 25.

Si le compromis ne contient pas l'indication ou s'il n'y a pas de compromis, la section fixe les règles de procédure en tenant compte des circonstances spéciales du litige. En l'absence de dispositions dérogatoires, seront observées les règles fixées par la Convention de la Haye du 18 octobre 1907 pour le règlement pacifique des conflits internationaux, autant qu'on puisse les appliquer.

La section peut déléguer à l'un de ses membres ou à plusieurs les fonctions de juge instructeur.

#### ARTICLE 26.

Les États contractants s'engagent à exécuter les requêtes de la "Cour internationale de Justice" dans les formes et par les moyens admis par les lois locales.

### TITRE III.

#### DES SANCTIONS.

#### ARTICLE 27.

Lorsqu'un État ne se conforme pas à une décision de la Conférence ou du Conseil, obligatoire d'après l'article 17, ou à une décision de la "Cour internationale de Justice," le Conseil l'invitera à remplir les obligations qui lui ont été imposées, lui fixant, s'il est nécessaire, un terme péremptoire à cet effet.

#### ARTICLE 28.

Dans le cas où ces obligations ne sont pas remplies, le Conseil délibère sur les mesures à adopter et les notifie immédiatement à tous les États contractants, en requérant tous ces États ou quelques-uns d'entre eux de pourvoir à l'exécution de ces mesures.

Les États requis sont tenus d'adhérer à la requête et d'accomplir tout ce qui peut assurer l'exécution desdites mesures. Le refus in-

justifié d'adhérer à la réquisition et l'application tardive ou insuffisante de la mesure délibérée exposera l'État aux réclamations du Conseil qui pourra, le cas échéant, prendre contre lui les mesures appropriées conformément à l'article suivant.

#### ARTICLE 29.

Les formes principales de sanction sont :

a) Suspension des rapports diplomatiques de la part de tous les États contractants ;

b) Retrait, dans tous les États, de l'*exequatur* accordé aux agents consulaires ;

c) Suspension de l'application de tous les Traités ou de quelques-uns ;

d) Imposition d'une indemnité pécuniaire ou d'une prestation d'autre nature ;

e) Saisie des biens meubles et immeubles possédés par l'État sur le territoire des autres États et refus de faire honneur à son crédit.

f) Défense d'accès et de séjour, expulsion, mesures de police, au détriment des sujets de l'État fautif ; mesures restrictives de leur activité économique et juridique ;

g) Fermeture des ports et refus des matières premières et des denrées indispensables à la vie économique ;

h) Exclusion de la cote officielle des titres et valeurs de l'État fautif ;

i) Défense de trafic et isolement économique partiel ou total (boycottage) ;

l) Saisie des navires et des cargaisons appartenant à l'État fautif ou à ses citoyens, et des marchandises à destination de cet État se trouvant dans les ports et dans les eaux territoriales des États contractants (embargo) ;

m) Blocus maritime exécuté par les forces navales désignées à cet effet par le Conseil ;

n) Exclusion de la Société des Nations ;

o) Action militaire commune de la part des États investis d'un mandat à eux conféré par le Conseil (occupation territoriale, prise de possession des établissements publics, etc.) ;

p) Le Conseil pourra décider qu'il sera employé toute autre forme de coercition directe ou indirecte, qui puisse lui sembler appropriée pour vaincre la résistance de l'État coupable.

#### ARTICLE 30.

Dans le cas où l'État contre lequel l'exécution forcée est dirigée se déclare prêt à remplir les obligations qui lui sont imposées, le Conseil pourra ordonner la révocation des mesures adoptées, sauf dans tous les cas la faculté d'assurer de la manière la plus appropriée

l'accomplissement effectif de l'engagement pris par l'État coupable, et la réparation des dommages de sa part.

#### ARTICLE 31.

Dans le cas où l'une des Parties contractantes viole l'obligation dont il est question à l'article premier, en procédant à des actes d'hostilité avant la décision de la Conférence, du Conseil ou de la Cour, toutes les autres Parties contractantes se considèrent comme étant en état de guerre avec elle et auront la faculté d'intervenir, unies ou isolées, dans les formes qu'elles croiront les plus utiles à la défense de la Partie attaquée.

Le Conseil prendra d'urgence les mesures nécessaires, en conformité de l'article 28 du présent acte.

#### TITRE IV.

#### RAPPORTS AVEC LES ÉTATS NON CONTRACTANTS

#### ARTICLE 32.

Lorsque, entre l'un des États contractants et un État non contractant, s'élèvent des contestations, qu'il n'est pas possible de résoudre par des négociations à l'amiable ou par un jugement d'arbitrage, l'État contractant a la faculté de saisir le Conseil, de lui demander d'interposer ses bons offices, et, dans le cas où il n'obtiendrait aucun résultat, d'inviter l'État non contractant à soumettre le différend à la décision du Conseil.

Si l'invitation est acceptée, on appliquera les dispositions qui précèdent comme si les deux États étaient des Parties engagées par ce même acte.

#### ARTICLE 33.

Si l'État non associé n'accepte pas l'invitation, ou si des actes d'hostilité ont été commis contre l'un des États contractants, sans que les dispositions de l'article précédent aient été respectées, le Conseil, sur la demande de ce dernier, après avoir examiné l'objet de la contestation, décidera si, et à quelles conditions, et de quelle manière, le dit État doit être assisté par les autres Parties contractantes.

#### DISPOSITIONS FINALES.

#### ARTICLE 34.

Un règlement déterminera la manière de pourvoir aux dépenses nécessaires à la constitution et au fonctionnement des organes internationaux prévus par le présent acte, les droits et les prérogatives de ceux qui y prennent part et les autres dispositions nécessaires à l'application des articles précédents.

## ARTICLE 35.

Les États, dont la constitution est modelée sur les principes qui sont le fondement du présent acte, pourront y adhérer, en déclarant leur intention au bureau prévu par l'article 6. Le bureau en donnera communication immédiate à toutes les Parties contractantes. Si, dans le délai de 8 mois à partir de la déclaration susdite, aucune opposition n'est parvenue au bureau, l'État qui offre son adhésion sera considéré sans plus comme un État contractant.

Les remarques qui parviendront au bureau dans ce délai seront communiquées sans retard à l'État qui demande à adhérer et aux Parties contractantes. S'il n'est pas possible de résoudre autrement les contestations qui pourront en découler, elles feront l'objet d'une décision du Conseil dans les formes prévues par le titre II.

## ARTICLE 36.

L'adhésion implique une acceptation pleine et sans réserve de toutes les dispositions du présent acte et du règlement, ainsi que de toutes les mesures qui auront déjà été prises entre les Parties, en conformité des dites dispositions.

## ARTICLE 37.

Lorsque, vu le nombre des Puissances qui auront adhéré au présent acte ou pour tout autre motif, la Conférence le jugera opportun, le nombre des membres du Conseil constitué d'après l'article 5 pourra être modifié sans rien changer aux proportions fixées par cet article.

## ARTICLE 38.

Les ratifications du présent acte seront déposées au bureau visé à l'article 6, qui en donnera communication immédiate à toutes les Parties signataires. Le présent acte produira effet 30 jours après la date à laquelle . . . parmi les Puissances signataires, y compris celles qui en ont pris l'initiative, et qui sont indiquées dans le préambule du même acte, auront déposé leurs ratifications; pour les Puissances qui ratifieront ultérieurement, il produira effet 30 jours après le dépôt de leur ratification; pour les Puissances adhérentes, 30 jours après la date où leur adhésion sera devenue définitive.

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PROCÈS-VERBAL NO. 2.

SÉANCE DU 4 FÉVRIER 1919.

La deuxième séance est ouverte à 20 heures 30, à l'Hôtel Crillon, sous la Présidence du Président des États-Unis.

Sont présents :

Le Président des États-Unis et le Colonel House (*États-Unis d'Amérique*) ; Lord Robert Cecil et le Général Smuts (*Empire Britannique*) ; MM. Léon Bourgeois et Larnaude (*France*) ; MM. Orlando et Scialoja (*Italie*) ; le Baron Makino et le Vicomte Chinda (*Japon*) ; M. Hymans (*Belgique*) ; M. Epitacio Pessoa (*Brésil*) ; M. Wellington Koo (*Chine*) ; M. Jayme Batalha-Reis (*Portugal*) ; M. Vesnitch (*Serbie*).

La Commission aborde l'examen du projet de Pacte.

#### PRÉAMBULE.

On passe provisoirement sur le préambule sous la réserve suggérée par M. Bourgeois (*France*) que la rédaction en soit revue ultérieurement après l'examen des articles.

La Commission accepte toutefois un amendement proposé par Lord Robert Cecil (*Empire britannique*) de transférer les mots "Afin d'instaurer la coopération internationale et d'assurer la paix" au commencement du préambule.

Suit une discussion sur le nom qui sera donné à l'organisme international.

M. Pessoa (*Brésil*) fait observer que le mot Société a un sens particulier et appartient au domaine du droit privé plutôt qu'à celui du droit public. Il préfère "Ligue" ou "Union". Il lui paraît également préférable d'employer le mot "État" plutôt que le mot "Nation" : l'être moral dont la vie juridique fait l'objet du droit international c'est l'*État*, ce n'est pas la Nation. Il faudrait donc dire "Ligue des États" ou "Union des États."

Différentes préférences sont respectivement exprimées pour les mots "Société" "Union" ou "Ligue" "États" ou "Nations." D'une façon générale il est admis qu'il n'y a aucun avantage à modifier les formules consacrées par l'usage dans chaque langue.

M. Hymans (*Belgique*) rappelle la demande de représentation à la Commission de quatre autres Puissances : Grèce, Pologne, Roumanie, République tchéco-slovaque, qui a été transmise à la Commission par la Conférence.

Après une discussion, suivie d'un vote, il est décidé que ces quatre nouveaux membres doivent être admis et le Président se charge de faire connaître cette décision à la Conférence.

M. Batalha Reis (*Portugal*) estime qu'il faudrait trancher la question préalable de savoir dans quelle langue le texte officiel du Pacte de la Ligue des Nations sera formulé : en français, en anglais ou bien dans ces deux langues ?

La Commission est d'avis que cette question devra être ultérieurement décidée par la Conférence.

La Commission passe à l'examen des articles du projet.

ARTICLE 1<sup>er</sup>.

Après discussion de la question de savoir si les assemblées générales des Délégués seraient périodiques ou permanentes, soulevée par M. Bourgeois (*France*), l'article 1<sup>er</sup> est adopté, sous réserve de l'omission des mots "où seront représentés les États plus particulièrement intéressés dans les questions en discussion."

## ARTICLE II.

Les amendements suivants proposés par Lord Robert Cecil (*Empire britannique*) sont adoptés.

Au second paragraphe, aux mots "pas plus de deux représentants," jusqu'à la fin du troisième paragraphe, substituer les mots: "les Ambassadeurs ou les Ministres des Hautes Parties Contractantes" à "moins que d'autres Représentants ne soient spécialement nommés à ce propos."

Après les mots "des Délégués" au quatrième alinéa, ajouter chaque fois les mots "ou le Comité exécutif."

Dans le même paragraphe, aux mots "membres présents à l'Assemblée" substituer les mots "États représentés à la réunion."

Sur la proposition du Président il est ajouté après le mot "réuniront" à la deuxième ligne de l'article les mots "périodiquement et."

Avant de procéder à l'examen de l'article 3, Lord Robert Cecil (*Empire britannique*) demande que la question de la représentation des Dominions soit réservée pour une discussion ultérieure.

## ARTICLE III.

Une longue discussion s'engage au sujet de la représentation, dans le Comité exécutif, des Puissances autres que les Grandes Puissances.

M. Pessoa (*Brésil*) dit que, d'après l'article III, les cinq Grandes Puissances auront, dans le Conseil exécutif, des délégués permanents, tandis que les autres Puissances y seront représentées seulement quand leurs intérêts seront directement en jeu. Mais comme, dans ce cas, les Petites Puissances intéressées ne peuvent pas prendre part aux délibérations—puisqu'elles sont parties dans le conflit—il s'ensuit que toutes les décisions seront prises par les Grandes Puissances. Il ne s'agit donc pas d'un organe de la "Ligue des Nations," mais d'un organe de "Cinq Nations," d'une espèce de tribunal auquel tout le monde restera soumis. Le projet primitif était plus libéral. Il accordait des Délégués permanents à toutes les Puissances et on ne voit pas pour quoi ce principe doit être abandonné.

M. Hymans (*Belgique*), M. Vesnitch (*Serbie*), M. Koo (*Chine*), M. Pessoa (*Brésil*) et M. Batalha Reis (*Portugal*) insistent sur la demande des Petites Puissances d'avoir une représentation suffisante dans le Comité.

Ces demandes reçoivent l'appui de M. Léon Bourgeois (*France*) et de M. Orlando (*Italie*).

Lord Robert Cecil (*Empire britannique*) signale les inconvénients qu'il pourrait y avoir à augmenter le nombre des membres du Comité exécutif; mais, sur l'insistance de plusieurs membres de la Commission, il propose que la discussion sur ce point soit ajournée à la prochaine réunion et qu'un nouveau projet de rédaction de l'article III soit préparé.

La Commission s'ajourne au lendemain soir, 20 heures 30.

La séance est levée à 23 heures 30.

## ANNEXE AU PROCÈS-VERBAL NO. 2.

### TEXTE DU PROJET DE PACTE

ADOPTÉ DANS SA SÉANCE DU 4 FÉVRIER 1919.

#### PRÉAMBULE.

Afin d'instaurer la coopération internationale et d'assurer la paix et la sécurité internationales, les Puissances signataires du présent Pacte, s'interdisant de recourir à l'emploi de la force armée, s'engageant à l'observation de relations loyales, justes et honnêtes entre nations, établissant une claire conception de l'esprit du droit international devant servir de règle de conduite entre les Gouvernements, s'obligeant au maintien de la justice et au respect scrupuleux dans les relations entre peuples organisés dans toutes les obligations des traités, adoptent les clauses suivantes pour la constitution de la Société des Nations.

#### ARTICLE PREMIER.

Selon les clauses du présent Pacte, l'action des Hautes Parties Contractantes s'exercera par des réunions de leurs Délégués, par des réunions, à intervalles plus rapprochés, d'un Comité exécutif et par un Secrétariat international permanent établi au siège de la Société.

#### ARTICLE 2.

Des Assemblées générales des Délégués se réuniront périodiquement et lorsqu'il y aura lieu, dans le but de traiter des questions appartenant à la sphère d'action de la Société.

Les réunions générales des Délégués se tiendront au siège de la Société ou en tel autre endroit jugé convenable et comprendront les Ambassadeurs ou les Ministres des Hautes Parties Contractantes,<sup>1</sup> à moins que d'autres Représentants ne soient spécialement nommés à ce propos.

<sup>1</sup> To correspond with the English there would be here inserted "à ———."

## PROCÈS-VERBAL NO. 3.

SÉANCE DU 5 FÉVRIER 1919.

La 3<sup>e</sup> séance est ouverte à 20 heures 30, à l'hôtel Crillon, sous la Présidence du Président des États-Unis.

Sont présents :

Le Président des États-Unis et le Colonel House (*États-Unis d'Amérique*) ; Lord Robert Cecil et le Général Smuts (*Empire Britannique*) ; MM. Léon Bourgeois et Larnaude (*France*) ; MM. Orlando et Scialoja (*Italie*) ; le Baron Makino et le Vicomte Chinda (*Japon*) ; M. Hymans (*Belgique*) ; M. Epitacio Pessòa (*Brésil*) ; M. Wellington Koo (*Chine*) ; M. Jayme Batalha Reis (*Portugal*) ; M. Vesnitch (*Serbie*).

Le Président annonce que, conformément à la décision de la Commission et du Conseil suprême des Alliés, il va convoquer les Délégués de la Grèce, de la Pologne, de la Roumanie et de la République tchéco-slovaque.

ARTICLE III. (*Suite*).

La Commission poursuit la discussion du projet. M. Orlando (*Italie*) propose pour l'article III la nouvelle rédaction ci-jointe (*Annexe*).

La discussion s'engage sur la question du nombre de Représentants à attribuer aux Puissances autres que les États-Unis d'Amérique, la France, la Grande-Bretagne, l'Italie et le Japon, dans le Comité exécutif. M. Hymans (*Belgique*) propose cinq délégués afin que ces Puissances soient en nombre égal avec les premières.

M. Vesnitch (*Serbie*) propose quatre délégués.

M. Pessòa (*Brésil*) se rallie à la proposition de M. Hymans, mais non pas au procédé indiqué pour le choix des délégués. Pourquoi les Représentants des Grandes Puissances doivent-ils être choisis par elles-mêmes et ceux des Petites par l'assemblée ? A ce point de vue la proposition de M. Vesnitch est préférable.

M. Bourgeois (*France*) appuie la demande de M. Vesnitch.

Sur la proposition de Lord Robert Cecil (*Empire britannique*), la rédaction de l'article est adoptée sous réserve de revenir plus tard sur la question du chiffre exact de cette représentation.

## ADOPTION.

L'article ainsi adopté comprend le dernier alinéa de l'article II dans lequel il ne figure plus par conséquent.

Sur la proposition de M. Bourgeois (*France*), il est convenu d'adopter le mot "siège" au lieu de "capitale" dans cet article et dans tout le projet.

Le président remercie la commission pour le dernier paragraphe qui prévoit que la première réunion de l'Assemblée générale et du Comité exécutif sera convoquée par le Président des États-Unis, tout en notant que cette initiative ne vient pas de la Délégation américaine.

## ARTICLE IV.

Cet article est adopté avec l'amendement suivant : au premier alinéa, substituer aux mots "par lequel ils seront nommés" les mots "qui sera désigné par le Comité exécutif, et par lequel ils seront nommés sous réserve de l'approbation du Comité exécutif."

L'amendement verbal suivant est aussi adopté : Troisième alinéa, omettre tous les mots après le mot "frais" et substituer "du bureau international de l'Union postale universelle entre les membres de l'Union postale universelle."

M. Hymans (*Belgique*) fait mention du désir exprimé par le Gouvernement et par plusieurs Associations belges que le siège de la Société soit fixé à Bruxelles.

Le Président déclare que cette proposition a été écoutée avec sympathie par la Commission, mais qu'une décision à ce sujet sera prise ultérieurement.

## ARTICLE V.

Cet article est adopté sans discussion.

## ARTICLE VI.

Le Président propose l'amendement suivant : au commencement du deuxième alinéa, ajouter "Seuls les États ayant un Gouvernement autonome seront admis dans la Société, les Colonies qui jouissent d'un Gouvernement entièrement autonome pourront être admises, mais la Société".....etc.; la fin de l'alinéa subsiste.

M. Bourgeois (*France*) constate que la seule condition d'admission prévue dans le texte actuel est un vote des deux tiers de l'ensemble des Délégués sans tenir compte des conditions morales indiquées dans le premier projet du Président Wilson. Dans sa pensée, ces conditions, qui sont mentionnées dans les projets français et italien, visent les réparations à exiger de l'Allemagne pour son admission dans la Société.

Lord Robert Cecil (*Empire britannique*) propose l'addition suivante à la fin du premier alinéa : après le mot "délégués," ajouter "par la même majorité la Société aura le droit d'imposer à un État qui demande à entrer dans la Société les conditions qu'elle jugera convenables." Il mentionne à ce sujet la situation spéciale de l'Inde.

En ce qui concerne les conditions de forme politique à exiger des États qui seront admis ultérieurement dans la Société, M. Bourgeois (*France*) indique, à titre d'exemple, la formule du projet français qui visait "les nations pourvues d'institutions représentatives permettant

de les considérer comme responsables elles-mêmes des actes de leur Gouvernement.”

Il est convenu qu'une formule définitive sera recherchée à ce sujet.

#### ADOPTION SOUS RÉSERVE.

Sous cette réserve, la rédaction de l'article VI est considérée comme provisoirement adoptée avec l'amendement proposé par le Président, ainsi qu'il est dit plus haut.

Lord Robert Cecil (*Empire britannique*) déclare qu'il accepte cette décision étant entendu qu'en fait l'Inde fera, dans tous les cas, partie de la Société en raison même de la signature du Pacte par les Représentants de l'Empire britannique et en considération du vœu exprimé par le Président Wilson que l'Inde soit membre de la Société.

La Commission décide de constituer un Secrétariat pour assurer la rédaction des procès-verbaux. Le Secrétariat est composé de MM. Ricci-Busatti, Clauzel, lord Eustace Percy et Shephardson.

La Commission s'ajourne au 6 février, à 20 heures 30.

La séance est levée à 23 heures.

### ANNEXE AU PROCÈS-VERBAL NO. 3.

#### TEXTE DU PROJET DE PACTE

ADOPTÉ DANS LA SÉANCE DU 5 FÉVRIER 1919.

#### ARTICLE 3.

Le Comité exécutif comprendra les Représentants des États-Unis d'Amérique, de l'Empire britannique, de la France, de l'Italie et du Japon ainsi que deux <sup>1</sup> Représentants des autres États adhérant à la Société, nommés par l'ensemble des Délégués selon les principes, et de telle manière qu'ils jugeront convenables. Jusqu'à la nomination de ces deux <sup>1</sup> Représentants des autres États, les Représentants de . . . . . et de . . . . . feront partie du Comité exécutif.

Des réunions du Comité auront lieu de temps à autre lorsqu'il sera nécessaire, et au moins une fois par an, dans tel endroit qui pourra être désigné ou, faute d'arriver à une décision, au siège de la Société; à ces réunions pourra être discutée toute question appartenant à la sphère d'action de la Société ou pouvant compromettre la Paix du monde.

Des convocations seront adressées à toutes les Puissances devant assister à une réunion du Comité à laquelle des questions concernant leurs intérêts doivent être discutées et aucune décision prise à une réunion ne liera une Puissance qui n'aurait pas reçu de convocation pour y assister.

Toutes questions de procédure lors des Assemblées générales des

<sup>1</sup> This word reserved.

Délégués ou du Comité exécutif, y compris la désignation des Comités chargés d'étudier des cas spéciaux, seront déterminées par l'ensemble des Délégués ou par le Comité exécutif et une décision pourra être prise pour la majorité des États représentés à la réunion.

La première Assemblée générale des Délégués et du Comité exécutif sera convoquée par le Président des États-Unis.

#### ARTICLE 4.

Le Secrétariat permanent de la Société se tiendra à..... qui sera considéré être le siège de la Société. Le Secrétariat comprendra les secrétaires et le personnel nécessaires sous la direction générale et le contrôle d'un Chancelier de la Société, qui sera désigné par le Comité exécutif, et par lequel ils seront nommés sous réserve de l'approbation du Comité exécutif.

Le Chancelier remplira les fonctions de Secrétaire dans toutes les Assemblées générales des Délégués ou du Comité exécutif.

Les frais du Secrétariat seront supportés par les États adhérant à la Société sur la même base que la répartition des frais du Bureau International de l'Union Postale Universelle entre les membres de l'Union Postale Universelle.

#### ARTICLE 5.

Les représentants des Hautes Parties Contractantes et les membres officiels de la Société bénéficieront des privilèges et immunités diplomatiques; il sera accordé aux bâtiments occupés par la Société, par ses membres officiels ou par les Représentants assistant à ses réunions, le privilège de l'extraterritorialité.

#### ARTICLE 6.

L'admission à la Société d'États n'ayant pas signé le présent Pacte nécessite le consentement des deux tiers au moins de l'ensemble des Délégués.

Seuls les États ayant un Gouvernement autonome seront admis à la Société; les Colonies jouissant des pouvoirs d'un Gouvernement autonome pourront être admises, mais la Société n'admettre aucun État qui ne se conformera pas au principe qu'elle pourra établir en ce qui concerne ses forces navales et militaires ainsi que ses armements.

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### PROCÈS-VERBAL NO. 4.

SÉANCE DU 6 FÉVRIER 1919.

La 4<sup>e</sup> séance est ouverte à 20 heures 30, sous la présidence du Président des États-Unis.

Sont présents:

Le Président des États-Unis et le Colonel House (*États-Unis*

*d'Amérique*) ; Lord Robert Cecil et le Général Smuts (*Empire Britannique*) ; MM. Léon Bourgeois et Larnaude (*France*) ; MM. Orlando et Scialoja (*Italie*) ; le Baron Makino et le Vicomte Chinda (*Japon*) ; M. Hymans (*Belgique*) ; M. Epitacio Pessôa (*Brésil*) ; M. Wellington Koo (*Chine*) ; M. Veniselos (*Grèce*) ; M. Dmowski (*Pologne*) ; M. Jayme Batalha Reis (*Portugal*) ; M. Diamandy (*Roumanie*) ; M. Vesnitch (*Serbie*) ; M. Kramar (*République Tchéco-Slovaque*).

Assistent en outre à la séance les Représentants des quatre Puissances à intérêts particuliers dont la Commission, dans sa séance du 4 février 1919 (Procès-verbal No. 2), a décidé l'adjonction conformément au vœu émis par la réunion du 27 janvier 1919 des Puissances à intérêts particuliers (Voir Annexe VI au Protocole No. 2).

Grèce :

M. Eleftherios Veniselos, Président du Conseil des Ministres.

Pologne :

M. Roman Dmowski, Président du Comité National Polonais.

Roumanie :

M. Diamandy, envoyé extraordinaire et Ministre plénipotentiaire de S. M. le Roi de Roumanie à Pétrograd.

République Tchéco-Slovaque :

M. Kramar, Président du Conseil des Ministres.

Avant que la Commission n'aborde l'examen de l'article VII, M. Bourgeois (*France*) rappelle que, en ce qui concerne l'article VI, il s'est réservé de revenir sur la question des amendements à y apporter et qui visent les conditions à remplir par les États qui demanderont à entrer dans la Société.

#### ARTICLE VII.

Lord Robert Cecil (*Empire britannique*) propose d'omettre les mots "et préserver contre toute agression extérieure".

M. Larnaude (*France*) propose de condenser l'article comme suit : "Les Hautes Parties Contractantes s'engagent à respecter et à préserver contre toute agression les États adhérant à la Société".

Après une longue discussion il propose la nouvelle rédaction suivante :

"Les Hautes Parties Contractantes s'engagent mutuellement à respecter et à préserver contre toute agression les États adhérant à la Société sous les conditions déterminées dans l'article suivant (article VIII)".

Le Président propose l'amendement suivant recommandé par M. Orlando (*Italie*) ; après le mot "Société" ajouter la phrase : "S'il vient à se produire une agression de cette nature, il appartiendra au Comité Exécutif d'aviser aux dispositions et aux moyens d'assurer l'exécution de cet engagement".

Cet amendement est adopté.

Il est décidé d'ajourner l'examen d'une proposition de Lord Robert Cecil (*Empire britannique*) visant à la revision périodique des engagements internationaux.

#### ARTICLE VIII.

M. Bourgeois (*France*) insiste sur l'impossibilité pour la France d'accepter actuellement la suppression du service militaire obligatoire qui est pour elle une question essentielle de la démocratie et un corollaire du suffrage universel.

Après les interventions de M. Orlando (*Italie*) et de M. Larnaude (*France*) dans le même sens, le Président propose de supprimer la dernière phrase du premier paragraphe relative à la possibilité d'abolir le service militaire obligatoire et de la remplacer par le texte suivant :

"Le Comité Exécutif déterminera également pour être soumis à la considération et à la décision des divers Gouvernements, à quels équipements et armements militaires proportionnellement à l'échelle des forces indiquées dans le programme de désarmement, il est juste et raisonnable de s'en tenir : et ces limitations, lorsqu'elles seront adoptées, ne devront pas être dépassées sans l'autorisation de l'Assemblée générale des Délégués."

Cette proposition est acceptée.

Sur la proposition du Président qui est également acceptée, le dernier paragraphe de cet article est modifié comme suit : "Les Hautes Parties Contractantes conviennent en outre que les munitions et engins de guerre ne devront pas être fabriqués par des entreprises privées et chargent le Comité Exécutif d'aviser aux moyens de mettre fin à cette pratique ; les Hautes Parties Contractantes décident également qu'il sera donné libre et entière publicité à la question des armements nationaux et des programmes militaires et navals".

Le vicomte Chinda (*Japon*) propose que dans la première phrase de cet article, à la troisième ligne, les mots "sécurité intérieure" soient remplacés par les mots "sécurité nationale".

#### ADOPTION.

Cette suggestion est adoptée.

L'article VIII ainsi modifié est adopté.

#### ARTICLE IX.

L'article est adopté sans amendement.

#### ARTICLE X.

M. Bourgeois (*France*) fait remarquer que des différends peuvent surgir dans lesquels la responsabilité des membres de la Société

pourrait prêter à des doutes d'après la rédaction actuelle. Il demande de préciser les cas dans lesquels les sanctions pourront intervenir.

Il est pris acte de cette observation, la question devant d'ailleurs être plus spécialement prise en considération dans la discussion de l'article XIII.

M. Orlando (*Italie*) fait remarquer que c'est dans cet article que réside une des principales forces du Projet, car la Société des Nations doit s'appuyer avant tout sur l'opinion publique. Il en approuve la rédaction volontairement modeste et sous réserve des amendements qui pourront y être apportés lors de la discussion de l'article XIII.

#### RENOI.

Lord Robert Cecil (*Empire britannique*) ayant fait remarquer que le projet ne prévoit pas le délai dans lequel la décision arbitrale ou la recommandation du Comité Exécutif doit être rendue, le Secrétariat est chargé de rédiger un amendement qui prévoira, en cas d'arbitrage, une décision dans un délai raisonnable et en cas de prise en considération par le Comité exécutif, une recommandation dans le délai d'un an.

#### ARTICLE XI.

Cet article est considéré comme lié à l'article X.

Sur la proposition de Lord Robert Cecil (*Empire britannique*), l'amendement suivant, qui formera un second paragraphe est adopté : "Le Tribunal d'arbitrage auquel le cas sera soumis à cet effet sera celui sur le choix duquel les Parties seront tombées d'accord ou qui aura été désigné dans toute convention pouvant exister entre elles.

#### ARTICLE XII.

M. Bourgeois (*France*) signale que le Projet ne parle pas de la Cour permanente d'arbitrage de La Haye instituée, à la Conférence de 1899, avec la collaboration de tous les Délégués des pays représentés à la Commission. Il rappelle les services rendus par les organismes créés à La Haye, notamment la Commission d'enquête de Hull dans l'affaire du *Doggerbank* et les arbitrages des déserteurs de Casablanca, du *Carthage*, du *Manouba*, etc.

M. Batalha Reis (*Portugal*) appuie l'observation présentée par M. Léon Bourgeois.

Le Président ajoute qu'il sera certainement tenu compte, dans la constitution d'un Tribunal international permanent, de l'existence de la Cour permanente d'arbitrage de La Haye et des services qu'elle a rendus.

Un accord provisoire étant intervenu sur la rédaction de ces arti-

cles, la Commission abordera demain la discussion des articles suivants.

La séance est levée à 23 heures 15.

## ANNEXE AU PROCÈS-VERBAL NO. 4.

### TEXTE DU PROJET DE PACTE

ADOPTÉ DANS LA SÉANCE DU 6 FÉVRIER 1919.

#### ARTICLE VII.

Les Hautes Parties Contractantes s'engagent mutuellement à respecter et à préserver contre toute agression les États adhérant à la Société<sup>1</sup>; s'il vient à se produire une agression de cette nature, il appartiendra au Comité Exécutif d'aviser aux dispositions et aux moyens d'assurer l'exécution de cet engagement.

#### ARTICLE VIII.

Les Hautes Parties Contractantes reconnaissent le principe que le maintien de la Paix nécessitera la réduction au minimum compatible avec la sécurité nationale des armements nationaux; et que l'exécution des obligations internationales aura à être assurée par l'action commune; le Comité Exécutif élaborera les plans appropriés permettant cette réduction.<sup>2</sup> Le Comité Exécutif déterminera égale-

<sup>1</sup> The French to this point is erroneous as may be seen by looking back at the minutes of this meeting. The words here were those proposed by Larnaude and which were not adopted. This first sentence had not been changed at all from the Hurst-Miller Draft where the French read this way: (See Annex 1 of minutes of First Meeting)

Les Hautes Parties Contractantes s'engagent à respecter et préserver contre toute agression extérieure l'intégrité territoriale et l'indépendance politique existante de tous les États adhérant à la Société.

<sup>2</sup> The French here is mixed and necessitates a detailed explanation. The opening words of this Article in the Hurst-Miller Draft were these:

The High Contracting Parties recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Executive Council shall formulate plans for effecting such reduction.

The only change made in this by the Commission was to substitute the word "national" for "domestic."

In the first translation of the Hurst-Miller Draft (See Annex 1 of the minutes of the First Meeting) these words were rendered thus:

Les Hautes Parties Contractantes reconnaissent le principe que le maintien de la Paix nécessitera la réduction au minimum compatible avec la sécurité intérieure des armements nationaux; et que l'exécution des obligations internationales aura à être assurée par l'action commune; le Comité exécutif élaborera les plans appropriés permettant cette réduction.

Of course this is a glaringly bad translation, not having at all the same sense as the English; but it is printed above with only one change, the word "intérieure" to "nationale."

ment pour être soumis à la considération et à la décision des divers Gouvernements, à quels équipements et armements militaires, proportionnellement à l'échelle des forces indiquées dans le programme du désarmement, il est juste et raisonnable de s'en tenir; et ces limitations, lorsqu'elles seront adoptées, ne devront pas être dépassées sans l'autorisation de l'Assemblée générale des Délégués.

Les Hautes Parties Contractantes conviennent en outre que les munitions et engins de guerre ne devront pas être fabriqués par des entreprises privées et chargent le Comité Exécutif d'aviser aux moyens de mettre fin à cette pratique: les Hautes Parties Contractantes décident également qu'il sera donné libre et entière publicité à la question des armements nationaux et des programmes militaires et navals.

#### ARTICLE IX.

Toute guerre ou menace de guerre, qu'elle affecte directement ou non l'une des Hautes Parties Contractantes est ici déclarée comme intéressant la Société et les Hautes Parties Contractantes se réservent le droit de recourir à toutes mesures qui leur paraîtront propres et efficaces pour sauvegarder la paix des nations.

Il est également ici déclaré et convenu que chacune des Hautes Parties Contractantes devra attirer l'attention de l'ensemble des Délégués ou du Comité Exécutif sur toutes les circonstances qui, en quelque lieu que ce soit, menaceraient de troubler la paix internationale ou le bon accord entre les nations sur lequel est fondée la paix.

NOTE.—Articles 11 and 12 should appear in this Annex as they were passed at this Fourth Meeting; as circulated during the meetings of the Commission, they were in the following form:

#### ARTICLE XI.

Les Hautes Parties Contractantes conviennent que, lorsqu'il s'élèvera entre elles un différend ou une difficulté qu'elles reconnaîtront être susceptibles d'être soumis à l'arbitrage et qui ne pourront être réglés par la diplomatie, elles soumettront la question pleine et entière à l'arbitrage et s'en tiendront de bonne foi au jugement rendu ou à la décision qui sera prise.

Le Tribunal d'arbitrage auquel le cas sera soumis à cet effet sera celui sur le choix duquel les parties seront tombées d'accord ou qui aura été désigné dans toute convention pouvant exister entre elles.

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However, in the French text which was circulated at the meetings of the Commission, this was changed so that from February 7 on, the French was as follows:

Les Hautes Parties Contractantes reconnaissent le principe que le maintien de la Paix nécessitera la réduction des armements nationaux au minimum compatible avec la sécurité nationale et l'exécution par l'action commune des obligations internationales; le Comité Exécutif élaborera les plans appropriés permettant cette réduction.

## ARTICLE XII.

Le Comité Exécutif élaborera les plans pour la création d'un Tribunal international permanent; ce Tribunal, une fois constitué, aura qualité pour entendre et juger toute question que les parties reconnaîtront devoir être soumise à l'arbitrage en conformité de l'Article précédent.

Observe that the first paragraph of Article 11 was here somewhat changed from the original translation of the Hurst-Miller Draft in an effort to conform it more nearly to the English. No amendment to this paragraph had been made by the Commission.

## PROCÈS-VERBAL NO. 5.

SÉANCE DU 7 FÉVRIER 1919.

La 5<sup>e</sup> séance est ouverte à 20 heures 30, à l'Hôtel Crillon, sous la présidence du Président des États-Unis.

Sont présents:

Le Président des États-Unis et le Colonel House (*États-Unis d'Amérique*); Lord Robert Cecil et le Général Smuts (*Empire Britannique*); MM. Léon Bourgeois et Larnaude (*France*); MM. Orlando et Scialoja (*Italie*); le Baron Makino et le Vicomte Chinda (*Japon*); M. Hymans (*Belgique*); M. Epitacio Pessôa (*Brésil*); M. Wellington Koo (*Chine*); M. Veniselos (*Grèce*); M. Dmowski (*Pologne*); M. Jaymes Batalha-Reis (*Portugal*); M. Diamandy (*Roumanie*); M. Vesnitch (*Serbie*); M. Kramar (*République Tchéco-Slovaque*).

## ARTICLE XIII.

La Commission procède à l'examen de l'article XIII.

Les deux amendements suivants sont adoptés pour cet article.

Sur la proposition de M. Vesnitch (*Serbie*), après les mots "communiquer au Chancelier" à la 11<sup>e</sup> ligne, sont ajoutés les mots "aussi rapidement que possible."

Sur la proposition de Lord Robert Cecil (*Empire britannique*), à la fin du 1<sup>er</sup> paragraphe sont ajoutés les mots "et le Comité Exécutif peut sur-le-champ en ordonner la publication."

Sur une remarque de M. Scialoja (*Italie*) concernant l'étendue de cette faculté, il reste entendu que le Conseil sera juge, le cas échéant, des documents à publier, sauf aux parties le droit d'en publier d'autres, si elles le jugent utile.

Conformément à une proposition du Président des États-Unis, les mots "et le droit de la minorité" seront ajoutés après les mots "le devoir de la majorité".

M. Hymans (*Belgique*) propose ensuite les amendements suivants: au second paragraphe, aux mots "si le rapport est approuvé

à l'unanimité par les membres du Comité" substituer les mots "si le rapport est approuvé par la majorité des membres du Comité," et, à la dernière phrase du paragraphe, substituer les mots "si ce rapport est approuvé à l'unanimité des membres du Comité, sauf les parties en litige, les Hautes Parties Contractantes conviennent qu'elles exécuteront avec une parfaite bonne foi la décision qui aura été prise."

Ces propositions sont longuement discutées. L'idée de M. Hymans (*Belgique*) rencontre l'appui des Délégués français et de M. Vesnitch (*Serbie*), mais Lord Robert Cecil (*Empire britannique*) émet des doutes quant à l'opportunité qu'il y aurait d'accorder aux décisions de la majorité du Comité force exécutoire.

Le Président des États-Unis partage le point de vue de Lord Robert Cecil (*Empire britannique*).

M. Veniselos (*Grèce*) est d'accord avec M. Bourgeois pour insister, au sujet du 2<sup>e</sup> amendement proposé par M. Hymans, sur la nécessité qu'il y aurait, en cas de différend, à ce que le Comité ait le droit de faire donner satisfaction au plaignant chaque fois que le Comité se prononcerait à l'unanimité en faveur de ses réclamations.

M. Veniselos suggère également, relativement au 1<sup>er</sup> amendement proposé par M. Hymans, que l'on pourrait sans danger donner force exécutive aux décisions d'une forte majorité du Comité, par exemple à une majorité de quatre grandes Puissances sur cinq et de trois petites Puissances sur quatre, en admettant que quatre représentants de petites Puissances fassent partie du Comité.

Finalement, M. Veniselos fait remarquer qu'un certain délai devrait être fixé en ce qui concerne le droit pour chacune des parties à un litige de le renvoyer du Comité à l'Assemblée générale des Délégués, et ce point est généralement admis par la Commission.

#### NOMINATION D'UNE SOUS-COMMISSION DE RÉDACTION.

Il est finalement décidé qu'une Sous-Commission comprenant M. Hymans (*Belgique*), M. Bourgeois (*France*), Lord Robert Cecil (*Empire britannique*) et M. Veniselos (*Grèce*), se chargera de la rédaction des projets d'amendements à cet article, dans le sens de la discussion de la Commission.

#### RENOI AU COMITÉ DE RÉDACTION.

L'article XIII est en conséquence réservé quant à présent, étant entendu qu'un accord est intervenu en ce qui concerne les principes généraux qui y président.

#### ARTICLE XIV.

Sur la proposition de Lord Robert Cecil (*Empire britannique*), les mots "a rompu ou ignore" à la deuxième ligne de cet article sont remplacés par les mots "rompt ou ignore".

Sur la proposition du Président des États-Unis, il est décidé de supprimer les mots "ce qui l'exposera immédiatement" et de les remplacer par les mots "qui prennent ici l'engagement de l'exposer immédiatement".

M. Hymans (*Belgique*) soulève le point de savoir si les articles VII, XI et XII ne devraient pas être mentionnés, avec l'article X, à la seconde ligne du présent article, afin que les sanctions dont il s'agit concernent également l'application exacte des dispositions susvisées.

Après discussion, il est généralement admis qu'une allusion à l'article VII pourrait prêter à ambiguïté et qu'il n'est pas réellement nécessaire de prévoir une sanction, surtout dans le cas d'une procédure aussi sommaire que celle prévue à l'article XIV pour assurer l'exécution de la convention à l'article XI. On estime cependant qu'il pourrait être prévu une sanction dans le cas d'un rapport unanime par le Comité exécutif visé à l'article XIII, et cette question est également renvoyée à la Sous-Commission dont il a été parlé plus haut.

#### RENOI AU COMITÉ DE RÉDACTION.

L'article XIV est adopté sous réserve du renvoi à la Sous-Commission et des amendements ci-dessus indiqués.

#### ARTICLE XV.

Après les mots "*ad hoc* membres de la Société", Lord Robert Cecil (*Empire britannique*) propose l'insertion des mots "à telles conditions que le Comité exécutif pourra considérer équitable". (*Adopté.*)

M. Orlando (*Italie*) fait observer que l'expression "devenir *ad hoc* membres de la Société" n'est pas exacte et les Délégués français sont de son avis. Il est par conséquent entendu que ce passage du présent article sera renvoyé à la Sous-Commission mentionnée plus haut pour qu'elle indique une autre expression.

A part cette exception, aucune objection n'est soulevée quant aux clauses de l'article XV qui est en conséquence considéré comme provisoirement adopté sous la réserve qu'il sera examiné de nouveau en ce qui concerne les recommandations de la Sous-Commission.

#### ADOPTION RÉSERVÉE

Relativement à la portée de ces trois articles, M. Bourgeois (*France*) exprime l'espoir qu'une indication plus claire sera donnée des cas dans lesquels les sanctions de la Société seront appliquées, car il ne considère pas le texte des articles X, XIII, et XIV dans leur ensemble comme suffisamment explicite.

La Commission s'ajourne au lendemain, 8 février, à 10 heures 30.

La séance est levée à 23 heures 15.

NOTE.—The text of Article 14 should appear here as in the English minutes. As circulated during the meetings of the Commission, it was as follows :

#### ARTICLE XIV.

Dans le cas où une des Hautes Parties Contractantes rompt ou ignore les engagements pris par elle selon l'Article x, cette partie sera *ipso facto* considérée comme ayant commis un acte de guerre envers tous les autres membres de la Société qui prennent ici l'engagement de l'exposer immédiatement à la rupture de toutes relations commerciales ou financières, à l'interdiction de toutes relations entre ses citoyens et les citoyens de la Société et à la cessation dans la mesure du possible de toutes relations financières, commerciales ou personnelles entre ses citoyens et ceux des autres États, qu'ils soient ou non membres de la Société.

Dans ce cas il sera du devoir du Comité Exécutif de spécifier l'importance des contingents militaires ou navals que chacun des membres de la Société devra fournir pour constituer la force armée destinée à protéger les engagements de la Société.

Les Hautes Parties Contractantes conviennent en outre qu'elles s'entraideront en ce qui concerne les dispositions financières ou économiques qui seront prises aux termes de cet article pour réduire au minimum les pertes et inconvénients résultant des mesures précitées et qu'elles s'entraideront pour résister à des mesures prises à l'égard de l'une d'elles par l'État qui a rompu ses engagements; elles s'engagent également à permettre aux forces des Hautes Parties Contractantes qui coopéreront pour protéger les engagements de la Société le libre accès de leur territoire.

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#### PROCÈS-VERBAL NO. 6.

SÉANCE DU 8 FÉVRIER 1919.

La 6<sup>e</sup> séance est ouverte à 10 heures 30, à l'Hôtel Crillon, sous la présidence du Président des États-Unis.

Sont présents :

Le Président des États-Unis et le Colonel House (*États-Unis d'Amérique*) ; Lord Robert Cecil et le Général Smuts (*Empire Britannique*) ; MM. Léon Bourgeois et Larnaude (*France*) ; MM. Orlando et Scialoja (*Italie*) ; le Baron Makino et le Vicomte Chinda (*Japon*) ; M. Hymans (*Belgique*) ; M. Epitacio Pessôa (*Brésil*) ; M. Wellington Koo (*Chine*) ; M. Veniselos (*Grèce*) ; M. Dmowski (*Pologne*) ; M. Jaymes Batalha-Reis (*Portugal*) ; M. Diamandy (*Roumanie*) ; M. Vesnitch (*Serbie*) ; M. Kramar (*République Tchéco-Slovaque*).

## ARTICLE XVI.

Lord Robert Cecil (*Empire britannique*) propose d'ajouter les mots : "Conformément aux stipulations ci-après," mais à la demande du Président des États-Unis il retire cet amendement et l'article est adopté sans modification.

## ADOPTION.

Le Général Smuts (*Empire britannique*) dépose un amendement (Annexe 1).

## ARTICLE XVII.

M. Orlando (*Italie*) fait observer que la Commission se trouve en présence de deux rédactions représentant deux systèmes absolument différents. Il faut donc donner la préférence à l'un d'eux et pour cela procéder à une discussion de principes. Il craint que la nouvelle rédaction proposée par la délégation britannique n'empiète sur les attributions de la Conférence en déterminant avec trop de précision les territoires auxquels doit être appliqué le principe en discussion, notamment ceux qui faisaient partie de l'empire ottoman. Cette énumération se trouve d'ailleurs forcément incomplète.

Le projet américain, au contraire, tout en fixant la sphère d'activité de la Société des Nations en matière d'administration de territoires ne préjuge pas de l'application du principe ; cela paraît préférable.

Le Président des États-Unis répond à cette objection que le texte du Général Smuts (*Empire britannique*) reproduit une décision de la Conférence des cinq Puissances.

M. Léon Bourgeois (*France*) s'associe aux paroles du Président des États-Unis, mais il est d'accord avec M. Orlando (*Italie*) pour trouver préférable de statuer sur les principes sans entrer dans trop de détails. Il insiste sur le rôle moral de la gestion que doit exercer la Société des Nations qui ne doit être ni un Sur-État, ni un État créé au milieu des autres États. Il ajoute que la Société des Nations n'étant pas encore constituée, il lui paraît indispensable de régler préalablement les difficultés politiques avant de fixer le rôle qu'elle aura à jouer. Il semble donc que l'on doive se trouver en présence de deux actes successifs : 1° le règlement de la question par des conventions internationales, comme par exemple la revision de l'acte de Berlin ; 2° la prise en charge par la Société des Nations des territoires sur lesquels elle devra exercer sa tutelle.

## AMENDEMENT.

M. Léon Bourgeois dépose, en conséquence ; un amendement à l'article XVII. (Voir Annexe 1.)

Lord Robert Cecil (*Empire britannique*) et le Président des États-Unis défendent le projet britannique.

Le Président des États-Unis reconnaît que, pour répondre aux objections formulées, l'énumération qui figure au premier alinéa de l'article 1<sup>er</sup> de l'amendement britannique pourrait être supprimée ou précédée des mots "comme par exemple," afin de bien marquer que cette énumération n'est pas limitative.

La Commission est d'accord pour supprimer l'énumération.

Le Président des États-Unis donne lecture d'un nouvel alinéa (Annexe 1) ayant pour but d'étendre la portée de l'article à quelques territoires qui faisaient autrefois partie de l'Empire russe.

M. Batalha Reis (*Portugal*) et M. Hymans (*Belgique*) réservent leur opinion jusqu'à nouvel ordre. M. Batalha Reis (*Portugal*) signale notamment les conséquences qui pourraient être tirées ultérieurement d'une rédaction trop large.

M. Larnaude (*France*) indique qu'il serait préférable de ne pas mettre sur la même ligne des pays de civilisation arriérée comme certaines colonies d'Afrique et des pays qui ont une civilisation très ancienne et très complète mais qui ont été opprimés sous une domination étrangère.

M. Vesnitch (*Serbie*) propose un amendement tendant à faciliter l'émancipation définitive de ces peuples et leur admission dans la Société des Nations.

Lord Robert Cecil (*Empire britannique*) prie M. Vesnitch de ne pas insister sur sa proposition pour des raisons d'opportunité.

M. Diamandy (*Roumanie*) s'associe aux observations de M. Hymans (*Belgique*) et de M. Batalha Reis (*Portugal*).

M. Veniselos (*Grèce*) s'exprime dans le même sens et s'étend sur la nécessité de ne pas laisser de doute sur le sort des territoires grecs irrédimés.

Après un échange de vues avec le Baron Makino (*Japon*), il est convenu de supprimer le mot "if" qui figure dans le texte anglais au dernier alinéa du sous-article (b).

#### RENOI AU COMITÉ DE RÉDACTION.

Le Président des États-Unis résume la discussion et la question est renvoyée au Comité de rédaction qui se réunira demain, à deux heures et demie, à l'Hôtel Majestic et qui recevra les observations de tous les membres intéressés.

#### ARTICLE XVIII.

Lord Robert Cecil (*Empire britannique*) donne lecture d'un amendement visant la création d'une Conférence permanente et d'un bureau de Travail (Annexe 1.). Après une brève discussion l'amendement est adopté avec la modification suivante, la deuxième phrase devant se lire comme suit : "dans ce but ils sont d'accord pour établir comme faisant partie de la Société des Nations une *Commission* permanente du travail."

## ADOPTION.

Le Président des États-Unis demande en outre, d'ajouter les mots : "Pour les hommes, les femmes et les enfants" après les mots "conditions du travail équitables et humanitaires."

Cette addition est adoptée.

## ARTICLE XIX.

Lord Robert Cecil (*Empire britannique*) propose un amendement tendant à la substitution d'un nouveau texte à celui qui figure dans le projet (Annexe 1). Le Président des États-Unis explique que cet article est motivé par le désir d'empêcher dans l'avenir toute persécution et toute guerre religieuse. M. Hymans (*Belgique*) craint qu'il ne puisse être fait abus du mot "intolérance" et que l'on ne puisse s'en autoriser pour faire appel à la Société des Nations et la faire juge de réclamations des partis politiques contre gouvernements.

M. Orlando (*Italie*) constate qu'il faut être très prudent dans la rédaction d'un tel article afin d'éviter qu'il ne se trouve en conflit avec la constitution de certains États.

M. Batalha Reis (*Portugal*) fait observer que toutes les fois qu'une religion d'État cesse de l'être, ses adhérents se considèrent, *ipso facto*, comme persécutés.

M. Bourgeois (*France*) rappelle que les hypothèses prévues dans l'article en discussion étaient déjà visées dans l'article 9 qui parle des événements intérieurs pouvant troubler la paix.

M. Batalha Reis (*Portugal*) déclare qu'il se réserve de proposer un amendement au paragraphe 2 de l'article ix lors de la seconde lecture du projet.

## RENOI AU COMITÉ DE RÉDACTION.

Après une intervention de M. Veniselos (*Grèce*) demandant que les mesures prévues dans l'article XIX soient, bien entendu, prises à l'unanimité, la question est renvoyée au Comité de rédaction.

La prochaine séance aura lieu lundi 10 février à 10 heures 30 pour prendre connaissance des travaux au Comité de rédaction.

La séance est levée à 13 heures 15.

## ANNEXES AU PROCÈS-VERBAL NO. 6.

## ANNEXE I.

## AMENDEMENTS.

## I° A L'ARTICLE XVII.

a) *Proposé par le Général SMUTS:*

Le principe suivant doit être appliqué aux colonies qui faisaient autrefois partie de l'Empire Allemand, et aux territoires qui apparte-

naient autrefois à l'Empire Turc qui sont habités par des peuples incapables de se diriger eux-mêmes dans les conditions particulièrement difficiles du monde moderne. Le bien-être et le développement de ces peuples forment une mission sacrée de civilisation et il convient, en constituant la Société des Nations, d'y incorporer des gages pour l'accomplissement de cette mission.

La meilleure méthode de réaliser pratiquement ce principe est de confier la tutelle de ces peuples aux nations développées qui en raison de leurs ressources, de leur expérience ou de leur position géographique, sont le mieux à même d'assumer cette responsabilité, elles exerceraient cette tutelle en qualité de mandataires et au nom de la Société des Nations.

Le caractère du mandat doit différer suivant le degré de développement du peuple, la situation géographique du territoire, ses conditions économiques et toutes autres circonstances analogues.

Certaines communautés qui appartenaient autrefois à l'Empire Turc ont atteint un degré de développement tel que leur existence comme nations indépendantes peut être reconnue provisoirement, à la condition que les conseils et l'aide d'une Puissance mandataire guident leur administration jusqu'au moment où elles seront capables de se conduire seules. Les vœux de ces communautés doivent être pris en première considération pour le choix de la Puissance mandataire.

Le degré de développement où se trouvent d'autres peuples, spécialement ceux de l'Afrique Centrale, exige que le mandataire y assume l'administration du territoire à des conditions qui garantiront, avec la prohibition d'abus tels que la traite des esclaves, le trafic des armes et celui de l'alcool, la liberté de conscience et de religion, sans autres limitations que celles que peut imposer le maintien de l'ordre et des mœurs politiques, et l'interdiction d'établir des fortifications ou des bases militaires ou navales, et de donner aux indigènes une instruction militaire si ce n'est pour la police ou la défense du territoire, et qui assureront également aux autres membres de la Société des Nations des conditions d'égalité pour les échanges et le commerce.

Enfin il y a des territoires, tels que le Sud-Ouest Africain et certaines îles du Sud-Pacifique, qui, par suite de la faible densité de leur population, de leur superficie restreinte, de leur éloignement des centres de civilisation, de contiguïté géographique à l'État mandataire, ou d'autres circonstances, ne sauraient être mieux administrés qu'en étant soumis aux lois de l'État mandataire comme partie intégrante de cet État, sous réserve des garanties prévues plus haut dans l'intérêt de la population indigène.

Dans tous les cas, l'État mandataire devra envoyer à la Société des Nations un rapport annuel concernant les territoires commis à sa charge.

Si le degré d'autorité de contrôle ou d'administration à exercer par l'État mandataire n'a pas été convenu antérieurement entre les

Hautes Parties Contractantes, il sera explicitement précisé par le Conseil exécutif dans un acte ou dans une charte spéciale.

Les Hautes Parties Contractantes se sont mises d'accord pour établir au siège de la Société une Commission mandataire qui recevra et examinera les rapports annuels des Puissances mandataires et qui aidera la Société à assurer l'observation des stipulations de tous les mandats.

b) *Proposé par le Président des États-Unis*:

"Les dispositions de cet article peuvent aussi s'appliquer à d'autres populations et territoires dont il n'est pas parlé dans le Traité de Paix dont ce Pacte forme une partie, ou qui ne sont pas définitivement constitués en États autonomes."

c) *Proposé par M. Vesnitch*:

"La Commission mandataire pourra aussi, quand elle jugera le moment venu, suggérer que l'indépendance d'un peuple, quel qu'il soit, puisse être proclamée et reconnue en vue de son admission éventuelle, comme membre de la Société des Nations."

d) *Proposé par M. Léon Bourgeois*:

Conformément aux décisions de la Conférence des Alliés, la Société des Nations se considère comme investie de la tutelle morale des populations visées dans le Traité de Paix qui ne sont pas encore parvenues à un complet développement.

Le caractère de cette tutelle doit différer suivant le degré de développement des peuples, la situation géographique du territoire, ses conditions économiques et toutes autres circonstances analogues.

Les règles et les limites de cette tutelle sont déterminées par les Conventions internationales. Le Conseil de la Société des Nations provoquera au besoin de nouvelles conventions si elles lui paraissent nécessaires pour assurer le bien-être et le développement des populations dont il s'agit.

## 2° A L'ARTICLE XIX.

*(proposé par Lord Robert Cecil).*

Les Hautes Parties Contractantes s'efforceront à établir et à maintenir des conditions de travail équitables et humanitaires dans leurs propres territoires ainsi que dans tous les territoires auxquels s'étendent leurs relations commerciales et industrielles. Dans ce but elles sont d'accord pour établir, comme partie de l'organisation de la Société une conférence permanente et un Bureau du Travail selon les stipulations de la Convention ci-annexée, et pour adopter et s'engager à toutes les autres stipulations de cette Convention.

## 3° A L'ARTICLE XIX.

*(proposé par Lord Robert Cecil).*

Les Hautes Parties Contractantes reconnaissant dans la persécution et l'intolérance religieuse des sources fertiles de la guerre, sont

d'accord pour déclarer que la Société des Nations a le droit de s'intéresser aux commotions politiques qui en découlent, et dans le cas où le Comité exécutif trouvera que la paix mondiale est menacée par l'action illibérale du Gouvernement d'un État à l'égard de ceux qui confessent une foi, religion ou croyance quelconque, les Hautes Parties Contractantes autorisent le Comité à faire des représentations ou à prendre les mesures qui mettront fin à l'abus en question.

## ANNEXE II.

### TEXTE DU PROJET DE PACTE

ADOPTÉ DANS LA SÉANCE DU 8 FÉVRIER 1919.

#### ART. XVI.

Les Hautes Parties Contractantes confient à la Société la surveillance générale du commerce des armes et munitions avec les pays où le contrôle de ce trafic est nécessaire.<sup>1</sup>

#### ART. XVIII.

Les Hautes Parties Contractantes s'efforceront à établir et à maintenir des conditions de travail équitables et humanitaires pour les hommes, les femmes et les enfants dans leurs propres territoires ainsi que dans tous les territoires auxquels s'étendent leurs relations commerciales et industrielles.

Dans ce but, ils sont d'accord pour établir comme faisant partie de la Société des Nations une *Commission* permanente du Travail selon les stipulations de la Convention ci-annexée, et pour adopter et s'engager à toutes les autres stipulations de cette Convention.<sup>2</sup>

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### PROCÈS-VERBAL NO. 7.

SÉANCE DU 10 FÉVRIER 1919.

La 7<sup>e</sup> séance est ouverte à 10 heures 30, à l'Hôtel Crillon, sous la présidence du Président des États-Unis.

Sont présents :

Le Président des États-Unis et le Colonel House (*États-Unis d'Amérique*) ; Lord Robert Cecil et le Général Smuts (*Empire Bri-*

<sup>1</sup> No amendment has been made to this Article. Accordingly, the words after "pays" should read as in the first translation, the same text as circulated during the meetings: "où, dans l'intérêt commun, ce contrôle est nécessaire."

<sup>2</sup> The words after "Travail" should be omitted. See the minutes of this meeting. In the text circulated during the meetings, the words "faisant" and "des Nations" were also omitted.

*tannique*); MM. Léon Bourgeois et Larnaude (*France*); MM. Orlando et Scialoja (*Italie*); le Baron Makino et le Vicomte Chinda (*Japon*); M. Hymans (*Belgique*); M. Epitacio Pessôa (*Brésil*); M. Wellington Koo (*Chine*); M. Veniselos (*Grèce*); M. Dmowski (*Pologne*); M. Jaymes Batalha-Reis (*Portugal*); M. Diamandy (*Roumanie*); M. Vesnitch (*Serbie*); M. Kramar (*République Tchéco-Slovaque*).

## ARTICLE XX.

Le Président des États-Unis donne lecture de l'article xx du Pacte.

M. Hymans (*Belgique*) présente quelques objections basées sur la situation particulière de la Belgique qui est un pays de libre échange mais dont la situation économique est très grave actuellement. Elle sera fatalement menacée par le dumping allemand et pendant la période de reconstruction il est probable qu'elle devra demander un traitement de faveur à ses Alliés.

Le Président des États-Unis répond que l'Allemagne ne sera pas membre de la Société pendant cette période et que, d'ailleurs, il est favorable à l'idée que la Belgique ait des droits préférentiels.

M. Larnaude (*France*) fait pour la France une observation analogue, et Lord Robert Cecil (*Empire britannique*), se rallie à l'idée d'un "régime spécial" pendant la période de reconstruction.

M. Larnaude ajoute que, jusqu'à ce que les comptes de la guerre soient liquidés, il serait contraire aux idées exprimées dans les quatorze points du Président des États-Unis que les Nations qui ont souffert de la guerre ne soient pas indemnisées.

M. Orlando (*Italie*), indique qu'il y a deux points à envisager :

1° La question de principe de l'article xx sur laquelle tout le monde paraît d'accord;

2° La proposition Hymans-Larnaude, qui se réfère à la période actuelle et qui prévoit un régime spécial pour cette période.

M. Larnaude (*France*) rappelle qu'une Commission spéciale s'occupe de ces questions de réparations et de reconstitution et estime qu'il y aurait inconvénient à prendre des décisions qui risqueraient d'être en conflit avec les conclusions de cette Commission.

Le Président des États-Unis fait remarquer que le Pacte formera partie intégrante du Traité de Paix et qu'il y aura dans ce traité d'autres dispositions qui devront prévoir la reconstitution des contrées dévastées.

M. Hymans (*Belgique*) croit que la question ne se pose pas dans les mêmes termes devant les deux Commissions; la Commission des dommages de guerre établit le compte des indemnités à demander à l'Allemagne; mais pour recouvrer sa richesse détruite, la Belgique devra négocier avec diverses Puissances alliées voisines

avec lesquelles elle cherchera à nouer des accords particuliers, en attendant la possibilité de revenir au libre-échange. Après avoir perdu son marché et ses usines, elle devra se défendre avec des moyens spéciaux pendant une période transitoire. Le mot "équitable" qui est proposé ne suffirait peut-être pas à indiquer suffisamment cette nécessité.

Il se rallie toutefois à l'idée de poser un principe permanent tout en indiquant une restriction temporaire au principe proposé.

M. Larnaude (*France*) ne peut appuyer la formule de conciliation de M. Hymans (*Belgique*). Il combat l'idée même. Le projet de Pacte est issu de la guerre et la situation de détresse de la Belgique, de la Pologne et de plusieurs autres pays a été créée par l'Allemagne. Tant que cette situation n'est pas liquidée on ne peut parler de commerce équitable: le mot ne serait pas compris. Pendant une période indéterminée il sera conforme à la justice de demander que nous ayons des moyens de protection qui nous mettent à l'abri de l'invasion des marchandises ennemies.

M. Bourgeois (*France*) reprenant l'idée de M. Orlando dit que tout le monde est d'accord sur le fond. Mais il faut que l'opinion comprenne que le principe ne s'applique pas à la période de reconstruction qui nécessitera une série malheureusement longue de mesures destinées à la reprise de la vie économique, même après la constitution de la Société des Nations. Le mot "équitable" est donc insuffisant et a besoin d'être précisé et complété.

Le Président des États-Unis propose de tenir compte des observations qui précèdent en introduisant la formule suivante: "En tenant compte, parmi d'autres questions, des arrangements spéciaux concernant les nécessités des pays qui ont été dévastés dans la guerre 1914-1918."

M. Batalha-Reis (*Portugal*) fait remarquer que la guerre, sans avoir dévasté les villes ni les terres du Portugal, y a produit, quoique sur une moindre échelle, la même ruine économique que dans les pays envahis: cessation de production agricole et industrielle faute de matières premières et de main-d'œuvre, perte d'acheteurs et de marchés. M. Batalha-Reis estime donc que son pays doit bénéficier, le cas échéant, des arrangements spéciaux prévus à l'article XXI tel qu'il a été amendé.

#### ADOPTION.

Cette addition est adoptée.

#### ARTICLE XXI.

Le Président des États-Unis, après avoir donné lecture de l'article 21, propose d'y ajouter les termes suivants: "et aucun traité ou engagement international n'entrera en vigueur jusqu'à ce qu'il soit enregistré."

## ADOPTION.

Cette addition est adoptée.

Au cours de la discussion, il est entendu que l'article ne vise que les traités nouveaux. Aux mots "entre les États membres de la Ligue" sont substitués, sur la proposition de M. Vesnitch (*Serbie*), les mots "par un État membre de la Société."

## ARTICLE XXII.

M. Larnaude (*France*) signale que cet article renferme une clause dite d'abrogation implicite, c'est-à-dire que ce qui est en contradiction avec le texte se trouve abrogé. Mais quelle autorité décidera de cette incompatibilité? Est-ce un tribunal? Est-ce le Comité exécutif? Dans le droit privé, ce sont les tribunaux qui décident.

Le Président des États-Unis ne croit pas possible de déterminer à l'avance quelle est l'autorité qui devra trancher cette question; si une nation se trouve lésée par suite d'un traité, il lui est permis à toute époque de porter la question devant la Société. Les sanctions de ce principe se trouvent dans l'opinion publique. Si un traité se trouvait contraire aux dispositions générales du Pacte, il serait moralement impossible de le maintenir.

Chaque déclaration publique constitue une obligation morale et le jugement du tribunal de l'opinion publique sera beaucoup plus efficace que celui d'aucun tribunal au monde, car il est plus puissant et peut s'imposer malgré des subtilités techniques. La loi décide parfois dans un sens, et souvent l'opinion publique a un jugement plus large et plus équitable.

M. Larnaude (*France*) reconnaît que l'opinion publique nous domine tous; mais il pense aux pays où l'idée de légalité est poussée très loin, comme l'Amérique et l'Angleterre. S'en remettraient-ils à l'opinion publique pour trancher les questions relatives à leurs lois coutumières ou écrites? Il y a des détails techniques d'interprétation que seule peut comprendre une juridiction qualifiée.

M. Orlando (*Italie*) souligne l'importance de cet article 22, qui limite la liberté de s'engager de la part des Gouvernements, et il se demande si l'esprit du pacte admet les alliances entre les États? Il rappelle l'opinion émise par M. Veniselos (*Grèce*) et d'après laquelle les alliances défensives sont acceptées; mais il ajoute que, dans la réalité, on ne fait jamais une alliance "offensive," et qu'au surplus celles-ci n'auraient plus de raison d'être puisqu'il n'y aura plus d'agressions. Pour décider de leur qualité, le tribunal paraît un instrument trop rigide, tandis que le Conseil exécutif semblerait tout désigné pour donner la réponse.

Il y a aussi la question des traités existants. Il pourrait arriver qu'une des parties contractantes de ces traités s'appuie sur la Soci-

été pour se libérer de ces obligations. Il faut un pouvoir pour décider si le traité est maintenu. Si l'article disait : "Les parties s'accorderont pour abroger le traité," le danger d'interprétation différente par les deux États engagés disparaîtrait.

Le Président des États-Unis estime que les problèmes qui touchent à la bonne foi des Nations sont une matière délicate. En pareil cas, la seule sanction est celle de l'opinion. Les Cours de justice établissent les faits selon des règles de droit et en pareille matière le jugement moral des peuples est plus sûr qu'un procès devant une juridiction.

M. Batalha-Reis (*Portugal*) pense que la Ligue des Nations étant constituée, les Alliances de quelques-uns de ses membres entre eux pourront, dans certains cas, être inutiles; mais elles ne deviennent pas nécessairement nulles ou incompatibles avec l'existence de la même Ligue.

Quelques anciens Traités d'alliance, quoique formulés dans des termes désuets, sont cependant d'une nature essentiellement permanente.

M. Vesnitch (*Serbie*) redoute les grands courants qui dirigent parfois l'opinion publique et dont il est difficile de prévoir la direction. En supposant qu'un petit État soit en conflit avec une Grande Puissance, l'opinion publique peut être travaillée par cette Puissance de façon à la rendre contraire aux intérêts du petit État. L'opinion publique est une matière malléable, flottante et que la propagande peut influencer. Il paraîtrait donc plus sage de soumettre les questions relatives à l'article 21 à l'appréciation du Conseil exécutif de la Société des Nations. Ce Conseil constitue en effet une délégation de tous les membres de la Société et chaque Nation a une chance d'y être représentée. De toute façon, elle a la possibilité de s'y faire entendre.

M. Veniselos (*Grèce*) fait remarquer que s'il n'y a pas entente sur l'interprétation, il y a un article 21 qui prévoit le cas. Si une alliance défensive est conclue, elle sera présentée au Secrétaire général de la Société, et si celui-ci la croit contraire aux statuts de la Société, il en provoquera l'examen par le Conseil exécutif. On peut se référer à cet égard à l'article ix.

Lord Robert Cecil (*Empire britannique*) est d'avis qu'en effet le Secrétaire général saisira le Conseil exécutif et que celui-ci sera compétent pour décider.

M. Hymans (*Belgique*) constate que l'on paraît d'accord pour admettre que les alliances défensives ne sont pas incompatibles avec le principe de la Société; mais il y a un cas où même les alliances offensives semblent permises: quand il y a un conflit et que le Comité ne s'est pas prononcé à l'unanimité, chaque partie peut faire la guerre; en ce cas, l'une des parties n'est-elle pas autorisée à chercher des alliés parmi les nations qui partagent son point de vue et qui désirent appuyer son bon droit?

M. Orlando (*Italie*) exprime le désir que la discussion soit consignée dans les procès-verbaux, car elle donne une interprétation restrictive à l'article XXI, dont il y a lieu de tenir compte. À cette condition, il accepte le texte.

M. Kramar (*République tchéco-slovaque*) croit que les alliances, même défensives, ainsi que l'a dit M. Orlando (*Italie*), ne sont pas en accord avec l'idée de la Société. Une alliance isolée ne peut être admise si elle n'est pas acceptée par le Comité de la Société. Il peut être utile pour les petites nations de conclure une alliance défensive, mais celle-ci doit être soumise au Comité exécutif et reconnue par lui.

Le Président des États-Unis répond que telle est bien la pensée de l'article : une alliance ne sera valable que si elle est enregistrée.

M. Bourgeois (*France*) reconnaît que la précaution de l'enregistrement paraît suffisante pour les traités nouveaux. Mais quelle sera la situation pour les traités antérieurs? Quelle est l'autorité qui décidera si ces traités sont conformes ou contraires au Pacte?

Le Président des États-Unis ne veut pas faire le procès de la politique antérieure mais il trouve évident qu'elle a été dirigée dans une voie très dangereuse. C'est aux nations elles-mêmes à décider si elles ne veulent pas être relevées de leurs engagements imprudents et à se mettre d'accord pour voir si ces engagements ne méritent pas d'être abrogés. Il serait effrayé, pour sa part, de faire une incursion dans le passé. La prudence et la sagesse de chaque nation y pourvoiront. Quant à la Commission, sa tâche consiste surtout à prévoir l'avenir.

#### ADOPTION.

L'article XXII est adopté.

#### AMENDEMENTS AUX ARTICLES XIII, XV, XVII ET XIX PROPOSÉS PAR LE COMITÉ DE RÉDACTION.

Lord Robert Cecil (*Empire britannique*) soumet à la Commission les textes révisés par le Comité de rédaction pour les articles XIII, XV, XVII et XIX.

#### ADOPTION.

Le Président des États-Unis en donne lecture (ANNEXE I), Ces amendements sont adoptés, à l'exception de la nouvelle rédaction de l'article 19. Une discussion s'engage sur cet article.

Le Président des États-Unis propose d'adopter l'amendement suivant :

“Les Hautes Parties Contractantes décident qu'elles ne permet-

tront pas que leurs citoyens, adhérents d'une foi, religion ou croyance quelconque, qui ne porte pas atteinte à l'ordre ou aux mœurs publiques, soient pour cette raison inquiétés dans leur vie, leur liberté et leur poursuite du bonheur."

M. Bourgeois (*France*) constate que cela revient à confirmer le principe inscrit dans la Déclaration des Droits de l'Homme: "Nul ne peut être inquiété à raison de ses opinions ou de ses croyances."

#### ADOPTION.

L'article est adopté.

#### AMENDEMENT À L'ARTICLE X.

Le Président des États-Unis donne lecture de l'amendement à l'article x revu par le Secrétariat. (ANNEXE I.)

#### ADOPTION.

Il est adopté.

#### LA SOCIÉTÉ DES NATIONS ET LA QUESTIONS DES RESPONSABILITÉS.

M. Larnau (France) signale que le Pacte renferme beaucoup de dispositions qui, primitivement, ne devaient pas faire partie du programme de la Société des Nations. Une de ces dispositions a été indiquée par Lord Robert Cecil (*Empire britannique*) dans ses déclarations reproduites par le *Times* du 26 novembre 1918. D'après lui, "la Société des Nations sera une plaisanterie ou une farce si elle ne commence pas son existence par la punition des coupables."

C'est une des premières tâches de la Commission de la Société des Nations. Il faut donc résoudre avant tout la question de savoir si c'est la Société des Nations qui prendra en main le jugement et la punition des coupables. Si l'on répond affirmativement, on pourrait, dans le préambule, faire allusion à cette importante question des responsabilités.

La question est réservée.

#### AMENDEMENTS À EXAMINER.

Il est décidé que les amendements suggérés par M. Vesnitch (*Serbie*) à l'article XI ainsi que les amendements suggérés par M. Léon Bourgeois (*France*) aux articles III,<sup>1</sup> VIII et XIV, seront discutés au début de la prochaine séance qui aura lieu mardi matin 11 février 1919, à 10 heures 30.

La séance est levée à 13 heures 15.

<sup>1</sup> Error for VI.

## ANNEXES AU PROCÈS-VERBAL NO. 7.

## ANNEXE I.

## AMENDEMENTS.

1<sup>e</sup> Amendements proposés par le Comité de rédaction :

## ARTICLE XIII.

2<sup>e</sup> *paragraphe, phrase 3.*—Substituer la phrase suivante :

Si le rapport est adopté à l'unanimité des membres du Comité, qui ne sont pas parties au litige, les Hautes Parties Contractantes conviennent qu'aucune d'entre elles n'ouvrira les hostilités contre la Partie qui satisfait à ses recommandations et que si quelque Partie refuse d'y satisfaire, le Comité recherchera les mesures qui peuvent le mieux donner effet à ces recommandations.

Il serait alors à désirer qu'une phrase semblable soit ajoutée à l'Article XI comme suit :

Dans le cas contraire, à la requête des parties, le Comité exécutif recherchera les mesures qui peuvent le mieux donner effet au jugement ou à la décision intervenue.

3<sup>e</sup> *paragraphe, phrase 2.*—Substituer la phrase suivante :

Le différend sera dans ce cas porté devant elle à la requête de l'une ou de l'autre des Parties, pourvu que cette requête intervienne dans les quatorze jours de la soumission au Comité.

## ARTICLE XV.

1<sup>er</sup> *paragraphe, 3<sup>e</sup> ligne.*—Substituer.

Les Hautes Parties Contractantes conviennent que l'État ou les États qui ne sont pas membres de la Société des Nations seront invités à accepter les obligations des membres de la Société, en ce qui concerne le litige, aux conditions que le Comité exécutif estimera justes.

## ARTICLE XVII.

Aux premiers mots de la nouvelle rédaction, substituer :

Les principes suivants s'appliquent aux colonies et territoires qui, en conséquence de la guerre ont cessé d'être sous la souveraineté des États qui les gouvernaient précédemment et qui sont habités par des peuples. . .

## ARTICLE XIX.

*Substituer :*

Les Hautes Parties Contractantes, reconnaissant dans la persécution religieuse une cause fréquente de guerre, s'engagent solennellement à la faire disparaître de leurs territoires, et autorisent le

Comité exécutif, dans tous les cas où celui-ci jugera que la paix mondiale se trouvera par là menacée dans un État quelconque à faire les représentations ou à prendre les mesures nécessitées par les circonstances.

2° Amendement à l'article x revu par le Secrétariat :

Ajouter comme alinéa additionnel :

Dans tous les cas prévus par cet article, le jugement des arbitres devra être rendu dans un délai raisonnable, et la recommandation du Comité exécutif devra être faite dans un délai de six mois après que le litige lui aura été soumis.

3° Proposition de M. Vesnitch pour l'article xi :

"Les Hautes Parties Contractantes conviennent que, lorsqu'il s'élèvera entre elles un différend ou une difficulté susceptible d'être soumise à l'arbitrage et ne pouvant être réglé par la diplomatie, conformément à la "*Convention de La Haye relative au règlement pacifique des "conflits internationaux,"* elles soumettront la question pleine et entière à l'arbitrage et s'en tiendront de bonne foi au jugement rendu ou à la décision qui sera prise".

## ANNEXE II.

### TEXTE DU PROJET DE PACTE

ADOPTÉ DANS LA SÉANCE DU 10 FÉVRIER 1919.

#### ARTICLE X.

Les Hautes Parties Contractantes conviennent que, s'il venait à s'élever entre elles des différends qui n'auraient pu<sup>1</sup> être aplanis par les procédés ordinaires de la diplomatie, elles ne recourraient en aucun cas à la force armée avant d'avoir soumis les questions et les faits du litige à l'arbitrage ou à une enquête du Comité exécutif et seulement trois mois après le jugement des arbitres ou la décision du Comité exécutif ; elles ne pourront avoir recours à la force armée contre un membre de la Société qui s'en rapporterait au jugement des arbitres ou à la décision du Comité exécutif.

Dans tous les cas prévus par cet article, le jugement des arbitres devra être rendu dans un délai raisonnable, et la recommandation du Comité exécutif devra être faite dans un délai de six mois après que le litige lui aura été soumis.

#### ARTICLE XIII.

S'il venait à s'élever, entre les États ayant adhéré à la Société quelque désaccord susceptible de conduire à une rupture, qui ne soit

<sup>1</sup> "ne pouvant" in the original translation, changed here to "qui n'auraient pu".

pas soumis à l'arbitrage comme prévu ci-dessus, les Hautes Parties Contractantes conviennent qu'elles soumettront l'objet du litige au Comité exécutif; n'importe laquelle des Parties en désaccord pourra en aviser le Chancelier qui prendra toutes les dispositions pour qu'il soit procédé à une enquête et à un examen approfondis. À cet effet les Parties conviennent de communiquer au Chancelier<sup>1</sup> un état de leurs revendications ainsi que tous les faits et documents s'y rattachant.<sup>2</sup>

Lorsque les efforts du Comité exécutif tendront au règlement du désaccord, un procès-verbal indiquant la nature du désaccord et les termes du règlement et donnant les explications jugées utiles sera préparé pour publication. Si le désaccord ne peut être réglé, un rapport du Comité sera publié faisant ressortir, avec tous les faits et explications nécessaires, les recommandations que le Comité considérerait comme justes et appropriées au règlement du désaccord.

Si le rapport est adopté à l'unanimité des membres du Comité, qui ne sont pas parties au litige, les Hautes Parties Contractantes conviennent qu'aucune d'entre elles n'ouvrira les hostilités contre la Partie qui satisfait à ses recommandations et que si quelque Partie refuse d'y satisfaire, le Comité recherchera les mesures qui peuvent le mieux donner effet à ces recommandations. Si ce rapport ne peut être approuvé à l'unanimité des membres, il sera du devoir de la majorité<sup>3</sup> de faire une déclaration indiquant ce qu'ils croient être les faits de la controverse et contenant les recommandations qu'ils considèrent comme justes et appropriées.

Le Comité exécutif peut dans tous les cas, en vertu de cet article, soumettre le différend à l'Assemblée des Délégués. Le différend sera dans ce cas porté devant elle à la requête de l'une ou l'autre des Parties, pourvu que cette requête intervienne dans les quatorze jours de la soumission au Comité. Dans tous les cas soumis à l'Assemblée des Délégués, toutes les clauses de cet article relatives à l'action et au pouvoir du Comité exécutif s'appliqueront également à l'action et aux pouvoirs de l'Assemblée des Délégués.

#### ARTICLE XV.<sup>4</sup>

Les Hautes Parties Contractantes conviennent que l'État ou les États qui ne sont pas membres de la Société des Nations, seront

<sup>1</sup> Insert here: "aussi rapidement que possible." See minutes of Fifth Meeting.

<sup>2</sup> Add here: "et le Comité exécutif peut sur-le-champ en ordonner la publication." See minutes of Fifth Meeting.

<sup>3</sup> Insert here "et du droit de la minorité." See minutes of Fifth Meeting.

<sup>4</sup> The text of this Article is entirely mixed. It seems to be copied from the original translation of the Hurst-Miller Draft (see Annex 1 of the minutes of the First Meeting). However, it leaves out the opening words entirely and omits some others in paragraph three. Also, like that original translation, it leaves out paragraph four. Instead of attempting to correct it,

invités à accepter les obligations des membres de la Société, en ce qui concerne le litige, aux conditions que le Comité exécutif estimera justes; sur leur acceptation de cette invitation, les clauses ci-dessus seront appliquées avec telles modifications qui seront jugées nécessaires par la société.

Dès l'envoi de cette invitation, le Comité exécutif instituera une enquête sur les faits et les causes du désaccord, conseillera telle solution qui lui semblera la meilleure et la plus efficace en la circonstance.

Si une Puissance ainsi invitée à participer à la Société refusait de devenir membre et prenait une attitude agressive à l'égard d'un État adhérent à la Société, constituerait une infraction à l'article 10, les dispositions de l'article 14 seront applicables à l'État ayant pris cette attitude.

#### ARTICLE XVII.<sup>1</sup>

Les principes suivants s'appliquent aux colonies et territoires qui, en conséquence de la guerre, ont cessé d'être sous la souveraineté des

I print below the French of Article 15 as it was circulated at the Eighth Meeting of the Commission.

#### ARTICLE XV.

En cas de désaccord entre un État membre de la Société et un autre qui n'aurait pas adhéré ou entre plusieurs États n'étant pas membres de la Société, les Hautes Parties Contractantes conviennent que l'État ou les États qui ne sont pas membres de la Société des Nations seront invités à accepter les obligations des membres de la Société, en ce qui concerne le litige, aux conditions que le Comité Exécutif estimera justes, et sur leur acceptation de cette invitation les clauses ci-dessus seront appliquées avec telles modifications qui seront jugées nécessaires par la Société.

Dès l'envoi de cette invitation, le Comité Exécutif instituera une enquête sur les faits et les causes du désaccord et conseillera telle solution qui lui semblera la meilleure et la plus efficace dans la circonstance.

Si une puissance qui y aurait été ainsi invitée se refusait à accepter les obligations des membres de la Société, en ce qui concerne le litige, et prenait une attitude agressive à l'égard d'un État adhérent à la Société, ce qui pour un État adhérent à la Société constituerait une infraction à l'Article 10, les clauses de l'Article 14 seront applicables à l'État ayant pris cette attitude.

Si les deux Parties impliquées dans le litige, après avoir reçu cette invitation se refusent à accepter les obligations des membres de la Société en ce qui concerne le litige, le Comité Exécutif peut entreprendre telle action ou faire telles recommandations susceptibles d'éviter les hostilités et d'arriver au règlement du litige.

<sup>1</sup> The print here of this Article is entirely wrong. Its opening words, pursuant to the report of the Drafting Committee on February 10, are given correctly, but they are followed by the text of the Hurst-Miller Draft, instead of by the French of the Smuts substitute; this appears in Annex 1 of the minutes of the Sixth Meeting and is the text adopted except that its first sentence was changed to read as follows:

Les principes suivants s'appliquent aux colonies et territoires qui, en conséquence de la guerre, ont cessé d'être sous la souveraineté des États qui les gouvernaient précédemment et qui sont habités par des peuples incapables de se diriger eux-mêmes dans les conditions particulièrement difficiles du monde moderne.

États qui les gouvernaient précédemment et qui sont habités par des peuples encore incapables de s'assurer le bénéfice d'une administration stable; les Hautes Parties Contractantes conviennent que le bien-être de ces populations constitue un dépôt sacré pour la civilisation et impose aux États adhérant à la Société l'obligation de les aider et les guider dans le développement de leur administration. Ils reconnaissent que toute ligne de conduite, eu égard à l'administration et au développement économique, devrait être basé en premier lieu sur les intérêts bien considérés des populations elles-mêmes, sur le maintien du système de la "porte ouverte" et sur les mêmes facilités pour toutes les Hautes Parties Contractantes quant à l'emploi et au développement des ressources économiques du territoire. Aucune force militaire ou navale ne sera constituée par les habitants de ces territoires en dehors de celle nécessaire à la défense et à la police intérieure.

ARTICLE XIX.<sup>1</sup>

Les Hautes Parties Contractantes, reconnaissant dans la persécution religieuse une cause fréquente de guerre, s'engagent solennellement à la faire disparaître de leurs territoires, et autorisent le Comité exécutif, dans tous les cas où celui-ci jugera que la paix mondiale se trouvera par là menacée dans un État quelconque, à faire les représentations ou à prendre les mesures nécessitées par les circonstances.

ARTICLE XX.<sup>2</sup>

Les Hautes Parties Contractantes se mettront d'accord quant aux dispositions qu'il conviendrait de prendre en vue d'instituer et de maintenir la franchise du transit et un équitable traitement pour le

<sup>1</sup> That this text is wrong is clear, for it is the text proposed by the Drafting Committee which the Commission rejected. But to say what the French text was, if any, is difficult. The way the French wrote it appears in the minutes of this Seventh Meeting. The translation of the English which was circulated reads thus:

Les Hautes Parties Contractantes conviennent de ne faire aucune loi interdisant ou intervenant dans le libre exercice des cultes; elles décident de ne pas permettre que la pratique de croyances, religion, ou opinions, dont l'exercice ne pourrait pas troubler l'ordre public ou la morale, vienne mettre entrave à la vie, à la liberté ou à la recherche du bonheur de leur peuple.

<sup>2</sup> The text here follows the original translation of the Hurst-Miller Draft, adding the amendment of the Seventh Meeting; but for some reason, the version circulated read thus:

## ARTICLE XX.

Les Hautes Parties Contractantes décident de prévoir des dispositions, dont la Société devra assurer l'application, pour garantir et préserver la liberté du transit et un traitement équitable pour le commerce de tous les États membres de la Société, ayant en vue, entre autres objets, des dispositions spéciales répondant aux besoins des régions dévastées pendant la guerre de 1914-1918.

commerce de tous les États adhérant à la Société, en tenant compte, parmi d'autres questions, des arrangements spéciaux concernant les nécessités des pays qui ont été dévastés dans la guerre 1914-1918.

ARTICLE XXI.<sup>1</sup>

Les Hautes Parties Contractantes conviennent de faire enregistrer et publier sans délai par le Chancelier tout traité ou convention internationale passée entre les États membres de la Société, et aucun traité ou engagement international n'entrera en vigueur jusqu'à ce qu'il soit enregistré.

## ARTICLE XXII.

Les Hautes Parties Contractantes sont d'accord individuellement pour que le présent Pacte abroge toutes obligations *inter se* qui seraient en contradiction avec ses clauses; elles s'engagent solennellement à ne prendre à l'avenir aucun engagement en contradiction avec les clauses dudit Pacte.

Au cas où l'une des Puissances signataires du présent Pacte ou admise par la suite dans la Société se trouverait antérieurement liée par certains engagements en contradiction avec les termes dudit Pacte, il serait de son devoir de prendre des dispositions immédiates en vue de se dégager de ses obligations.

## PROCÈS-VERBAL NO. 8.

## SÉANCE DU 11 FÉVRIER 1919.

La 8<sup>e</sup> séance est ouverte à 10 heures 30, à l'Hôtel Crillon, sous la présidence du Président des États-Unis.

Sont présents :

Le Président des États-Unis et le Colonel House (*États-Unis d'Amérique*); Lord Robert Cecil et le Général Smuts (*Empire Britannique*); MM. Léon Bourgeois et Larnaude (*France*); MM. Orlando et Scialoja (*Italie*); le Baron Makino et le Vicomte Chinda (*Japon*); M. Hymans (*Belgique*); M. Epitacio Pessôa (*Brésil*); M. Wellington Koo (*Chine*); M. Veniselos (*Grèce*); M. Dmowski (*Pologne*); M. Jayme Batalha Reis (*Portugal*); M. Diamandy (*Roumanie*); M. Vesnitch (*Serbie*); M. Kramar (*République Tchéco-Slovaque*).

<sup>1</sup> Pursuant to the Vesnitch amendment at this Seventh Meeting, the words "entre les États membres" should read "par un État membre."

The circulated translation read thus:

Les Hautes Parties Contractantes conviennent de faire enregistrer et publier sans délai par le Chancelier tout traité ou convention passé par tout Etat membre de la Société; il est également entendu qu'aucun traité ou convention internationale ne sera valable à moins d'avoir été ainsi enregistré.

## AMENDEMENT À L'ART. XXIII.

Le Président des États-Unis ouvre la discussion sur l'amendement de la Délégation britannique qui deviendrait le nouvel article XXIII :

"L'Assemblée des Délégués aura le devoir de veiller à la revision périodique des traités tombés en désuétude et des relations internationales, dont le maintien pourrait menacer la paix mondiale."

Cet amendement donne lieu aux remarques suivantes :

M. Kramar (*République Tchéco-Slovaque*) fait observer que si l'Assemblée des Délégués devient juge de tous les traités, elle aura des attributions analogues à celles d'un Parlement international.

Lord Robert Cecil (*Empire britannique*) estime que, cette Assemblée ne pouvant pas agir sans l'unanimité, le texte ne présente aucun inconvénient.

M. Léon Bourgeois (*France*) ne voit qu'un moyen pratique de réaliser l'idée : l'Assemblée des Délégués est chargée de publier périodiquement les traités ; elle crée ainsi le *Corpus Juris* de la vie internationale. Si elle aperçoit des objections, elle peut demander des explications au Gouvernement avant d'insérer le traité dans le recueil. Cette façon de procéder sauvegarderait l'indépendance des États.

M. Batalha Reis (*Portugal*) demande si le Comité exécutif a le droit de refuser l'enregistrement d'un traité.

Le Président propose le texte suivant :

"L'Assemblée générale des Délégués aura le droit de recommander la revision de temps en temps par les États membres de la Société des traités dont l'application serait devenue impossible, et des conditions internationales dont la continuation pourrait offrir un danger pour la paix du monde."

## ADOPTION.

Ce texte est adopté.

## ADOPTION DU NOUVEL ART. XXIV.

Lord Robert Cecil (*Empire britannique*) propose un nouvel article XXIV au sujet de la clause de revision :

"La constitution et les fonctions de la Société peuvent être amendées par un vote du Comité exécutif à l'unanimité, confirmé par une majorité de l'Assemblée des délégués".

Cet amendement donne lieu aux observations suivantes.

M. Veniselos (*Grèce*) pense qu'il ne faut pas rendre trop difficiles les changements dans les statuts de la Société des Nations. On propose d'exiger l'unanimité dans le Conseil et de se contenter d'une simple majorité dans l'Assemblée. Il faudrait alors admettre qu'une nation faisant partie de la minorité pourrait se retirer. Pour éviter cette conséquence, ne serait-il pas préférable d'exiger la majorité des trois quarts ?

M. Larnaude (*France*) demande si l'on veut une Société dans laquelle les règles anciennes du droit international doivent s'appliquer intégralement. Fait-on un simple traité, ou bien fait-on une constitution permanente planant au-dessus des États? Le Pacte se rapproche par analogie du système de la Confédération. En ce cas l'on est sur le terrain international. S'il s'agit d'une constitution, on se trouve sur le terrain du Sur-État.

Le Président des États-Unis estime qu'en adoptant le Pacte les nations seront évidemment liées par le texte nouveau.

M. Orlando (*Italie*) est d'avis que l'État en minorité sera obligé de rester dans la Société. On doit faire le droit nouveau en rapport avec les faits.

M. Larnaude (*France*) fait remarquer que les délégués sont des fonctionnaires dont la situation est analogue à celle des juges qui ne sont pas révocables à merci. Il faut qu'ils aient l'esprit international et une certaine indépendance.

M. Vesnitch (*Serbie*) croit que si les neuf Puissances du Conseil sont d'accord pour proposer une modification et si celle-ci est votée par les deux tiers des Nations représentées dans l'Assemblée générale, aucun État ne peut penser que cette modification est dirigée contre ses intérêts. Cette procédure donne donc toute satisfaction.

M. Veniselos (*Grèce*) s'y rallie également, mais propose de porter la majorité nécessaire aux trois quarts.

M. Pessòà (*Brésil*) appuie cette proposition.

Le Baron Makino (*Japon*) expose son point de vue et commente les réflexions que suggère le nouvel article xxiv.

M. Rolin-Jacquemins (*Belgique*) se rallie au point de vue de MM. Vesnitch, Veniselos et du Baron Makino, à condition qu'on ne vise que les "Clauses fondamentales."

Le Président des États-Unis donne lecture du texte suivant :

"Les amendements apportés à ce Pacte prendront effet après ratification par les États dont les représentants font partie du Comité exécutif ainsi que par la majorité des trois quarts des États dont les représentants font partie de l'Assemblée des Délégués."

#### ADOPTION

Le texte est adopté.

#### AMENDEMENTS FRANÇAIS

M. Léon Bourgeois (*France*) donne lecture de la note suivante après avoir exprimé le désir qu'elle figure au procès-verbal :

J'avais pensé à demander à la Commission de Rédaction de reprendre le texte de l'article xiv. Il m'a été fait observer que le mandat était limité à trois articles seulement, et je me suis incliné, mais je demande à faire ici les observations suivantes :

Il a été entendu que, dans cette première lecture nous ne nous

considérons pas comme liés par les adoptions provisoires et cela est d'autant plus nécessaire qu'il est certains articles dont il est impossible de comprendre la portée tant que l'on n'a pas discuté les dispositions de certains articles suivants.

D'après la rédaction qui vient d'être adoptée pour les articles XII et XIII, même en cas d'unanimité, si une Puissance de mauvaise foi étant en possession, se refuse à accepter la sentence des arbitres ou la décision du Comité exécutif, la Société des Nations n'est pas juridiquement tenue d'assurer l'exécution des mesures prescrites. Cette situation appelle par voie de conséquences nécessaires le renforcement des précautions à prendre pour protéger un État de bonne foi contre un État de mauvaise foi.

Sinon, ce seraient les Nations fidèles aux engagements internationaux qui seraient les victimes d'une organisation en apparence efficace et qui pourraient, en réalité, laisser le dernier mot à des adversaires déloyaux.

Ce n'est certainement pas cela qu'a pu vouloir notre Commission et ce serait trop contraire aux principes de justice si fortement exprimés par le Président Wilson.

Je suis d'autant plus obligé de présenter ici ces observations qu'il s'élève en France, depuis que nous sommes au travail, certain mouvement d'opinion trahissant une inquiétude que j'ai le devoir de vous signaler.

Nos collègues d'Angleterre et des États-Unis ont très justement fait remarquer le grand compte qu'ils devaient tenir de l'opinion publique de leurs Nations et la nécessité pour leurs Gouvernements de ne point se laisser entraîner au delà des sacrifices qu'exigent et que limitent en même temps les principes même de la Société des Nations.

Devant ces manifestations d'inquiétude, ne serons-nous pas unanimes à examiner de près les articles que nous aurons adoptés en première lecture afin d'y apporter au besoin les modifications indispensables pour déterminer l'adhésion sans réserve de notre opinion publique :

Les trois points que je veux toucher sont les suivants :

#### AMENDEMENT À L'ARTICLE XIV.

1<sup>re</sup> L'article XIV, tel qu'il est rédigé, limite aux violations de l'article X l'application des sanctions, il n'en prévoit donc pas pour assurer l'exécution des sentences arbitrales prévues à l'article XI et les décisions unanimes du Comité exécutif prévues à l'article XIII.

On nous a renvoyé hier pour une nouvelle rédaction les articles XI et XIII et non l'article XIV. Or, la rédaction adoptée pour ces articles appelle une modification correspondante de l'article XIV.

Pour que les mesures prévues maintenant aux articles XI et XIII puissent sans contestations être efficaces, il faut que, sous une forme à déterminer, ces mesures puissent aller jusqu'à des sanctions.

Je propose donc à l'article XIV, après ces mots du deuxième paragraphe :

“destinée à protéger les engagements de la Société”

les deux paragraphes suivants :

“Dans le cas où l'une des parties en litige, après avoir suivi la procédure imposée par l'article 10, n'accepterait pas une sentence d'arbitrage ou une décision prise à l'unanimité par le Comité exécutif ou par l'Assemblée des Délégués, le Conseil proposera aux Gouvernements associés l'application des sanctions appropriées parmi celles prévues au premier paragraphe du présent article.

“Dans le cas d'une recommandation faite seulement à la majorité, pour un différend pouvant amener entre les parties intéressées un recours à la force, le Conseil exécutif soumet la question aux Gouvernements eux-mêmes.”

#### AMENDEMENT À L'ART. VIII.

2° Les observations qui précèdent doivent amener à faire également un retour sur le texte de l'article VIII relatif à la limitation des armements. La substitution des mots “sécurité nationale” aux mots “sécurité intérieure”, qui, sur une observation de M. le Délégué du Japon, a été adoptée, doit entraîner certaines modifications en vue d'assurer la réalisation en fait de ces paroles de M. le Président Wilson :

“Il serait absolument nécessaire qu'une force soit créée, une force tellement supérieure à celle de toutes les Nations ou à celle de toutes Alliances, que pas une Nation, pas une combinaison de Nations ne puisse l'affronter ou lui résister.”

Pour que la force internationale soit telle que le veut le Président Wilson, il faut qu'aucune force particulière ne puisse être capable de la mettre en échec. Je crois donc qu'il faut organiser le contrôle des effectifs et des armements d'une manière assez rigoureuse pour arrêter les Nations de mauvaise foi dans la préparation de nouvelles guerres et garantir les Nations loyales contre toute surprise qui serait la faille même de l'organisation du droit.

A l'article VIII devrait donc être inséré, après les mots :

“Le Comité exécutif élaborera les plans appropriés permettant cette réduction”, le paragraphe suivant :

“Il instituera un contrôle international des effectifs et des armements et les Hautes Parties Contractantes s'engagent à s'y soumettre en toute bonne foi. Il déterminera les conditions dans lesquelles doivent être assurées d'une façon permanente l'existence et l'organisation de la force internationale.”

En terminant, je rappellerai qu'à la séance du 6 février, à propos de cet article VIII, j'ai insisté pour que dans la détermination des effectifs et des armements de chaque Nation soit pour sa sécurité nationale, soit pour sa participation à la force internationale, il serait

nécessaire d'introduire deux éléments distincts et qu'avec le coefficient de puissance relative de chaque État, doit être combiné le coefficient du risque que chacun peut avoir à courir en raison de sa situation géographique et de la nature de ses frontières.

M. le Président Wilson avait hautement reconnu cette nécessité lorsqu'il a prononcé à la tribune de la Chambre des députés française cette grande parole dont je l'ai remercié ici même: "La frontière de la France est la frontière de la liberté du monde."

Je demanderai donc qu'à la suite des mots:

"Le Comité exécutif est chargé d'établir le plan de cette réduction,"

soit ajoutée cette phrase:

"En tenant compte dans la fixation des contingents, non seulement de la puissance relative des États, mais des risques que peuvent leur faire courir leur situation géographique et l'état de leurs frontières."

Je dépose ici ce nouvel amendement à l'article XIII.

#### AMENDEMENT À L'ARTICLE VI.

3° Mon troisième amendement qui concerne l'article VI se rapporte à un tout autre ordre d'idées. Je vous l'avais annoncé au moment de la première discussion de cet article. Il vise les conditions d'entrée d'un nouvel État dans la Société des Nations. À mes yeux, il ne devrait pas suffire d'un simple vote, la majorité fût-elle des deux tiers. Tous nous avons affirmé ici que la bonne foi mutuelle devait être la base et faire la force de l'organisation internationale. Les garanties de moralité sont indispensables. Les États associés doivent tous être libres et munis d'institutions qui sauvegardent l'exercice de leur liberté.

S'ils ont commis antérieurement des violations du droit, des actes de violence et de barbarie, des crimes, il faut qu'ils aient donné les réparations, subi les expiations qu'exige la justice. Il faut en deux mots que tous les États associés soient à la fois libérés de leur passé et libres de leur avenir.

C'est ce qu'exprime l'amendement suivant qui donnera à la Société des Nations sa haute signification morale aux yeux du monde.

Modifier ainsi le deuxième paragraphe:

"Aucune Nation, d'ailleurs, ne pourra être admise dans la Société si elle n'est pas pourvue d'institutions représentatives qui permettent de la considérer comme responsable elle-même des actes de son propre gouvernement; si elle n'est pas en état de donner des garanties effectives de son intention loyale d'observer les conventions; si elle ne se conforme aux principes que la Société pourra établir en ce qui concerne ses forces navales et militaires ainsi que ses armements."

Le groupe de l'arbitrage parlementaire (sénateurs et députés français), composé de membres favorables à la Société des Nations, a pris l'initiative de nous saisir de leur inquiétude sur les points

dont je viens de parler. Si nous ne prenions pas des précautions au sujet du contrôle des armements, ce groupe pense que nous exposerions notre pays à des risques considérables, et il combattrait le projet si de fortes garanties n'étaient pas données sur ce point.

M. Larnau (France) appuie ces considérations qui ne peuvent pas faire de difficultés, et il insiste sur la notion du *risque géographique* qui est si importante pour des Nations telles que la Pologne, la République Tchéco-Slovaque, la Roumanie, la Belgique, la France, etc. Le contrôle des fabrications de guerre et, en outre, de certaines autres fabrications qui peuvent dissimuler des fabrications de guerre, se trouve à la base même de toute Société des Nations si l'on ne veut pas que les nations de bonne foi soient victimes des autres.

DISCUSSION SUR LES AMENDEMENTS: CONTRÔLE DES ARMEMENTS;  
ORGANISATION MILITAIRE INTERNATIONALE.

Le Président des États-Unis dit qu'il faut faire une distinction entre ce qui est possible et ce qui ne l'est pas:

Aucune Nation ne consentira au contrôle; quant à nous, Américains, nous ne pouvons pas y consentir à cause de notre Constitution. Mais nous devons faire tout le possible pour assurer la sécurité du monde. Un plan devra être établi par chaque pays de façon à ce qu'il ait une force suffisante pour:

- 1° Maintenir sa sécurité nationale.
- 2° Contribuer à la sécurité internationale.

On pourra admettre que la France maintienne une force proportionnellement plus considérable que les autres Nations à cause du "risque géographique" dont il a été parlé. Quant à construire une machine militaire unifiée en temps de paix, c'est une autre question. La guerre a fait jaillir l'absolue nécessité de l'unité de commandement et cette unité a constitué un immense avantage qui a influé sur l'issue même de la guerre. Mais cela a été possible à cause du danger immédiat qui menaçait la civilisation. Proposer de réaliser l'unité militaire en temps de paix serait faire une proposition qu'aucune nation n'accepterait. La Constitution des États-Unis défend au Président d'envoyer hors du pays les troupes nationales. Si les États-Unis maintiennent une armée il y aura toujours un délai inévitable pour envoyer cette armée à l'endroit requis. Il est possible que les Allemands puissent accumuler de nouveau des forces militaires: si la folie militariste ne cède pas en Allemagne et n'est pas détruite par cette guerre, il est évident qu'une menace nouvelle peut se produire, mais cette menace ne se produira pas tout de suite, les conditions économiques de l'Allemagne étant trop défavorables pour cela.

Quant à nous, si nous organisons dès maintenant une force internationale, il semblerait que nous substituons le militarisme international au militarisme national. Des Français éminents m'ont déjà dit qu'ils n'accepteraient pas ce que la Constitution américaine me défend d'accepter. Je sais combien la France a souffert et je com-

prends qu'elle veuille obtenir les meilleures garanties avant d'entrer dans la Société et tout ce que nous pourrons faire dans cet ordre d'idées nous le ferons. Mais nous ne pouvons accepter des formules qui sont en contradiction avec notre Constitution.

L'argument qui a été le plus employé contre la Société des Nations est que l'armée des États-Unis serait à la disposition d'un Conseil international: les troupes américaines seraient ainsi exposées à combattre à tout moment pour des causes lointaines et cette condition effraie notre peuple. Il n'y a donc pas d'autre moyen pour nous que d'adopter un système compatible à la fois avec notre Constitution et avec notre opinion publique.

M. Léon Bourgeois craint qu'il y ait un malentendu sur le mot "contrôle" et ajoute:

Le Président Wilson a fait allusion au commandement des forces internationales et aux difficultés qu'il y aura d'admettre un chef unique placé à la tête des armées des Nations associées. Ce qui importe surtout, c'est de vérifier les quantités d'armements produites par chaque nation, et on ne peut le faire que si chaque État de la Société s'engage à ne pas dépasser certaines limites et à permettre la vérification de ses fabrications. Cette vérification est indispensable pour éviter qu'un État puisse produire secrètement des armes et des munitions. Le mot "contrôle" n'a donc été employé que dans le sens français de "surveillance" "vérification."

En ce qui touche la force internationale, il ne s'agit pas d'une armée permanente, mais simplement de prévoir l'organisation militaire qui serait donnée aux contingents nationaux pour les grouper rapidement contre un État agresseur. Si l'on ne peut faire cela, il n'y a qu'une façade dangereuse. La France garde la frontière du Rhin que le Président Wilson a appelée la frontière de la liberté. Elle est donc obligée d'avoir une force importante, même en temps de paix, mais elle ne peut être tranquille que si elle a la certitude qu'en cas d'attaque elle peut compter sur le concours effectif de ses associés et qu'elle n'aura pas à attendre des renforts pendant des mois ou des années; sans cela elle serait de nouveau exposée à une attaque brusquée et l'on dirait que la Société des Nations n'était qu'un leurre.

Il semble donc nécessaire, pour la sécurité des membres de la Société qui sont particulièrement exposés, de prévoir une organisation des forces internationales qui serait prête à fonctionner dès qu'une période critique se produirait. Je ne tiens nullement à ma rédaction, mais simplement à la double idée de la vérification des armements et d'une certaine organisation à prévoir pour l'utilisation des contingents nationaux.

Le Président des États-Unis présente l'observation suivante:

Dans cette discussion nous avons laissé de côté un élément essentiel. Notre principale sécurité sera obtenue par l'obligation où nous mettrons l'Allemagne d'effectuer un désarmement complet. On dit qu'elle pourra se préparer de nouveau en secret, mais je demande quelle est la partie de la préparation militaire allemande qui était secrète avant la guerre? Nous connaissions le nombre de leurs soldats, leur plan d'agression et leurs armements redoutables. En

réalité une préparation intensive de la guerre ne peut pas être faite secrètement. Ce qui est à craindre, ce n'est pas le nombre des hommes mais la quantité des machines et les munitions produites et ces choses-là ne peuvent pas être accumulées en secret. J'ai la conviction que l'on peut provoquer un désarmement effectif de l'Allemagne et dans ce cas nous jouirons, de son côté, d'une période de sécurité, car il lui sera impossible d'avoir des réserves de munitions et des machines de guerre.

Lord Robert Cecil (*Empire britannique*) observe que les propositions françaises se résument dans les trois points principaux suivants :

1° La sécurité nationale devrait être considérée en fonction de la position géographique. On pourrait faire droit à cette préoccupation par un texte dans ce genre : "En considération de la situation spéciale de certains États. . . ."; c'est une question de rédaction à mettre au point;

2° Le mot "contrôle" peut créer un malentendu; il serait préférable d'employer le mot "inspection." En tous cas, l'amendement français a pour objet de vérifier deux choses: a) que chaque État n'ait pas une armée supérieure au maximum permis; b) que chaque État ait une force égale au minimum imposé par la Société. Je crois que se second point serait fort délicat à vérifier et, en Grande-Bretagne, il y aurait bien des objections à accepter un contrôle sur le nombre de soldats britanniques maintenus sous les armes. Je ne crois pas que cette formule puisse être adoptée.

3° L'amendement français prévoit la nécessité d'une organisation qui permettrait l'utilisation immédiate des forces militaires des Nations associées. Dans cette forme la proposition s'écarte de notre conception de la Société qui ne prévoit pas une force internationale. Mais on pourrait adopter des dispositions moins strictes qui permettraient de préparer une entente sur ce sujet quand le besoin s'en ferait sentir. On obtiendrait ce résultat en se contentant d'une formule analogue à la suivante : "Une Commission permanente sera constituée pour "donner des conseils à la Société sur les questions navales et militaires."

La discussion se poursuit en ces termes entre les divers Délégués :  
M. Larnaudé (*France*) :

Plusieurs Nations ayant participé à la guerre craignent d'avoir fait en vain des sacrifices. La force morale résultant de l'existence d'une Société des Nations deviendra peut-être une garantie suffisante mais, dans combien de temps? Peut-être dans cent ans. A ce moment-là la mentalité militariste aura sans doute disparu, mais actuellement nous sortons d'une guerre formidable; peut-on penser que l'on passera subitement de l'état de militarisme intensif où nous vivons à celui d'un désarmement pratique?

Aujourd'hui nous sommes dans une période de transition; il faut que des contingents nationaux toujours prêts viennent rassurer les États associés. Le sacrifice demandé à chaque Nation sera d'ailleurs bien faible. Cette condition paraît liée à l'idée même de la Société des Nations si l'on ne veut pas qu'elle soit une formule de fausse sécurité.

Le Président des États-Unis :

Il ne faut pas toujours supposer que l'une des Nations associées va rester isolée en cas d'attaque; c'est là le contraire de notre pensée à tous. Nous sommes prêts au contraire à voler au secours de ceux qui seront attaqués, mais nous ne pouvons offrir plus que l'opinion peut donner.

M. Larnaude (*France*) :

Si le Traité de paix nous donne des garanties certaines que l'Allemagne est véritablement désarmée et ne pourra reconstituer ses armements, alors nous nous sentirions davantage en sécurité.

M. Léon Bourgeois (*France*) :

Je n'ai pas besoin de dire que la France est prête à entrer dans la Société des Nations dont les principes, tels qu'ils sont définis dans le projet de convention, s'accordent avec ceux qu'elle a elle-même toujours défendus; mais elle tient à ce que l'organisation de l'action internationale soit prévue et clairement définie.

Nous tenons également à faire remarquer que nous sommes disposés à nous soumettre aux obligations correspondantes, c'est-à-dire à laisser contrôler nos armements et notre préparation militaire.

D'autres Nations disent qu'elles ne consentent pas à ce contrôle. Cependant il ne peut y avoir de règles de justice et de sécurité entre les divers États du monde si chacun peut à son gré se préparer à l'attaque. L'opposition aux principes essentiels de la Société des Nations ne vient donc pas de nous.

Le Président des États-Unis :

La seule méthode pour aboutir consiste à avoir confiance dans la bonne foi de Nations qui font partie de la Société. Il faut entre elles un accord cordial et de la bonne volonté. Prenez une Nation nouvelle qui va entrer dans cette Société: la Pologne. Nous lui faisons confiance, nous espérons qu'elle coopérera volontiers à notre effort et qu'elle prendra les mesures nécessaires pour sauvegarder sa sécurité et aussi pour faire respecter les principes de la Société. Je demande donc à la Délégation française d'examiner de nouveau la question, car je crois que toute espèce de contrôle, de quelque nom qu'on l'appelle, sera trop offensante pour être adoptée. Tout ce que nous pouvons promettre, et nous le promettons, c'est de maintenir nos forces militaires dans de telles conditions que le monde se sentira en sécurité. Quand le danger viendra, nous viendrons et nous vous aiderons, mais vous devez avoir confiance en nous. Nous dépendons tous de notre bonne foi mutuelle.

M. Léon Bourgeois (*France*) :

La France qui est disposée à accepter un contrôle considère qu'elle n'abandonne rien de sa dignité en l'acceptant. C'est une mesure commune de garantie mutuelle qui n'a rien de désobligeant puisqu'elle s'applique également à toutes les Grandes Puissances et qu'elle est, en fait, exercée d'accord entre elles. Nous traitons avec tous sur le pied de parfaite égalité et ne pensons pas que cette mesure implique aucun sacrifice d'indépendance.

Je demande donc avec insistance que l'on insère dans la convention une formule qui donne à l'opinion publique l'impression de

sécurité qu'elle réclame. Il faut que le projet de Société des Nations donne à tous le sentiment de confiance qui déterminera l'adhésion universelle.

#### RENOI AU COMITÉ DE RÉDACTION.

Il est entendu que la question sera examinée de nouveau par le Comité de rédaction.

La séance est levée à 13 heures 30.

### ANNEXE AU PROCÈS-VERBAL NO. 8.

#### AMENDEMENTS ADOPTÉS.

##### ARTICLE XXIII.

L'Assemblée générale des Délégués aura le droit de recommander la revision de temps en temps, par les États membres de la Société, des traités dont l'application serait devenue impossible et des conditions internationales dont la continuation pourrait offrir un danger pour la paix du monde.

##### ARTICLE XXIV.

#### *Dernier paragraphe:*<sup>1</sup>

Les amendements apportés à ce Pacte prendront effet après notification<sup>2</sup> par les États dont les Représentants font partie du Comité exécutif, ainsi que par la majorité des trois quarts des États dont les Représentants font partie de l'Assemblée des Délégués.

### PROCÈS-VERBAL NO. 9.

#### PREMIÈRE SÉANCE DU 13 FÉVRIER 1919

La 9<sup>e</sup> séance est ouverte à 10 heures 30, à l'Hôtel Crillon, sous la présidence du Président des États-Unis.

Sont présents :

Le Président des États-Unis et le Colonel House (*États-Unis d'Amérique*) ; Lord Robert Cecil et le Général Smuts (*Empire britannique*) ; MM. Léon Bourgeois et Larnaude (*France*) ; MM. Scialoja et Orlando (*Italie*) ; le Baron Makino et le Vicomte Chinda (*Japon*) ; M. Hymans (*Belgique*) ; M. Epitacio Pessôa (*Brésil*) ; M. Wellington Koo (*Chine*) ; M. Veniselos (*Grèce*) ; M. Dmowski (*Pologne*) ; M. Jayme Batalha-Reis (*Portugal*) ; M. Diamandy (*Roumanie*) ; M. Vesnitch (*Serbie*) ; M. Kramar (*République Tchéco-Slovaque*).

Le Président des États-Unis propose de considérer la première lecture comme terminée et de procéder immédiatement à la deuxième lecture.

<sup>1</sup> These two words should be omitted. The text is complete.

<sup>2</sup> Error for "ratification."

## SECONDE LECTURE DU PROJET PACTE.

M. Léon Bourgeois (*France*) demande que, si l'on aborde la seconde lecture, il soit procédé à des votes. Le droit d'amendement étant, en effet, ouvert, il y aura lieu de consigner ces votes au procès-verbal.

Cette procédure est acceptée.

Lord Robert Cecil (*Empire britannique*) donne lecture du préambule.<sup>1</sup>

## PRÉAMBULE.

M. Larnaude (*France*) propose d'insérer le texte suivant sous forme de préambule :

"Les Puissances signataires du présent pacte, unies dans un même sentiment de réprobation vis-à-vis de ceux qui ont déchaîné la guerre qui vient de se terminer, fermement décidées à en rechercher toutes les responsabilités, voulant en même temps établir les règles d'un droit international dont le but essentiel sera de ne permettre à la force armée d'intervenir que pour la défense du droit, de faire régner la justice entre les peuples et de maintenir le respect scrupuleux de la parole donnée, reprenant et développant l'œuvre commencée par la Conférence de La Haye. . ."

M. Batalha-Reis (*Portugal*) dit que la Ligue des Nations est une œuvre d'union et de concorde préparant un avenir de paix entre les peuples. Il n'aimerait par voir sa Loi organique débiter par des mots de condamnation et de châtement. Comment les États qui sont restés neutres pendant la Guerre pourraient-ils accepter le Préambule du Pacte ainsi rédigé?

En ce qui concerne la référence aux Conférences de La Haye, il désire inscrire au Procès-verbal la déclaration suivante :

Le Délégué de Portugal regrette que la Commission n'ait pas cru pouvoir continuer les travaux des Conférences de La Haye de 1899 et 1907, en rendant l'arbitrage obligatoire, au moins pour tous les cas d'ordre juridique, conformément à la proposition de la Délégation portugaise à la Conférence de 1907 et à l'article 73 de la Constitution de la République qui dit : "La République portugaise, sans préjudice de ce qui est statué dans ses Traités d'alliance, préconise le principe de l'arbitrage comme le meilleur moyen de résoudre les conflits internationaux."

<sup>1</sup> The language of which, as before the meeting, was this :

En vue de favoriser la collaboration des Nations et de leur assurer entre elles la paix et la sécurité par l'engagement de ne pas recourir à des actes de guerre, l'établissement de relations ouvertes, justes, honorables entre les peuples, l'affirmation expresse que les prescriptions du droit international constituent la règle de conduite effective des Gouvernements, le maintien de la justice et le scrupuleux respect des traités dans les rapports réciproques des peuples organisés.

Les Puissances signataires du présent Pacte adoptent, pour la constitution de la Société des Nations, les clauses suivantes :

Cf. Préambule in Annex II, minutes of the Tenth Meeting.

Lord Robert Cecil (*Empire britannique*) se rallie à ce point de vue : les responsabilités de la guerre forment un élément de discussion qu'il vaut mieux ne pas introduire dans les textes. En ce qui concerne le rappel de la Conférence de La Haye, il vaut mieux que l'œuvre de la Société des Nations soit une œuvre nouvelle qui ne porte pas le poids des critiques adressées aux conventions antérieures pour lesquelles tout le monde a d'ailleurs le plus grand respect.

Le Président des États-Unis, tenant compte de ce que la partie de l'amendement relatif aux responsabilités est retirée, met au voix la seconde partie concernant l'allusion à l'œuvre de La Haye.

Par 10 voix contre 5, cet amendement est repoussé.

Il est entendu que ce vote ne signifie nullement que la Commission condamne les deux idées contenues dans l'amendement de M. Larnaude, mais qu'elle estime simplement qu'il vaut mieux ne pas les introduire dans le texte.

#### ARTICLE I.

Le Président donne lecture de l'article 1 :

"L'action des Hautes Parties contractantes, aux termes du présent pacte, a pour organe des sessions de délégués, représentants des Hautes Parties contractantes, des sessions plus fréquentes d'un Conseil Exécutif et d'un Secrétariat général établi, d'une manière permanente, au siège de la Société."

Adopté.

#### ARTICLE II.

Le Président donne lecture de l'article II :

"Les sessions de l'Assemblée des Délégués se tiendront à des intervalles déterminés, et de temps à autre, quand les circonstances le réclameront, pour traiter des questions qui rentrent dans la sphère d'activité de la Société. Ces sessions auront lieu au siège de la Société ou en tel autre endroit qui sera jugé convenable. Elles comprendront des Représentants des Hautes Parties contractantes."

Le Général Smuts (*Empire britannique*) dépose l'amendement suivant, afin de donner satisfaction à l'opinion publique qui désirerait avoir dans l'Assemblée des Représentants de tous les principaux groupes sociaux : "Tous les quatre ans, l'Assemblée des Délégués demandera une réunion spéciale avec des Représentants choisis dans les Parlements, suivant des arrangements qui seront fixés plus tard par le Conseil Exécutif."

Lord Robert Cecil (*Empire britannique*) croit préférable d'attendre, pour prendre une décision à cet égard, qu'on soit mieux éclairé sur les desiderata de l'opinion et que la Conférence ait été saisie du projet en réunion plénière.

M. Larnaude (*France*) fait remarquer que l'article II, d'après lequel le choix des représentants n'est pas limité, donne satisfaction à M. le Général Smuts.

Le Président est également d'avis qu'il n'y a pas lieu de modifier l'article, car il laisse une élasticité suffisante pour introduire plus tard un système entièrement suffisant pour l'opinion publique.

M. Hymans (*Belgique*) fait ressortir la nécessité de déterminer le nombre maximum des représentants de chaque État; sans cela on verrait des États représentés par des Délégations dont le nombre et l'influence seraient disproportionnés avec celle de certains autres États. De plus, si l'on admet trop de représentants, il y aura des dissensions au sein de chaque Délégation. Enfin, avec un trop grand nombre de Délégués, on se trouvera en présence d'un véritable Parlement universel où tout homme politique aura l'ambition de venir prononcer un discours. D'autre part, certains pays, comme la Belgique, offrent des groupes très distincts, comme la classe agricole et la classe ouvrière: si l'on représente un groupe social, on est obligé de représenter tous les autres. Le seul moyen de ne froisser personne est d'avoir un petit nombre de représentants qualifiés s'élevant au-dessus des partis.

Lord Robert Cecil (*Empire britannique*) estime que chaque Puissance doit être représentée comme il lui plait. En Angleterre, par exemple, il est probable que l'on enverra un des chefs du "Labour Party," un représentant du monde religieux et, sans doute, une femme.

Le Président fait remarquer que les représentants seront choisis par l'État qui devra, dans son choix, donner satisfaction à l'opinion publique. Les Délégués du Gouvernement doivent ainsi être de véritables Délégués de la population elle-même.

M. Léon Bourgeois (*France*) fait remarquer que le Délégué de chaque pays représentera évidemment l'opinion dominante de la majorité de ses concitoyens. Avec les institutions représentatives les Gouvernements ne pourront faire des choix qui risqueraient de ne pas être confirmés par la volonté nationale.

M. Hymans (*Belgique*) estime que le plan de Lord Robert Cecil est un système idéal et que, lorsqu'on sera entré dans la voie de représentation des groupes sociaux, on finira par avoir un Parlement international qui tiendra des sessions annuelles. On prendra vite l'habitude de porter toutes les questions devant la Société des Nations, dont la compétence sera ainsi démesurément étendue. Finalement, il y aura des élections et le Parlement international ne correspondra plus à l'idée actuelle de l'Assemblée des Délégués.

M. Orlando (*Italie*) est d'avis qu'il faut donner le même nombre de représentants à chaque État. Quant à la question soulevée par M. le Général Smuts, il croit préférable de la faire trancher par des règlements ultérieurs.

Après un échange de vues auquel prennent part MM. Scialoja (*Italie*), Lord Robert Cecil (*Empire britannique*), Batalha-Reis (*Portugal*), Léon Bourgeois (*France*) Vesnitch (*Serbie*), Larnaude (*France*), le Président met aux voix une proposition tendant à

fixer à 5 le nombre maximum de représentants pour chaque partie contractante.

Cette proposition, mise aux voix, est repoussée.

Le nombre de 3 est adopté comme maximum des délégués accordés à chaque État.

L'article II est adopté.

### ARTICLE III.

LE PRÉSIDENT donne lecture de l'article III :

Le Conseil Exécutif se composera de Représentants des États-Unis d'Amérique, de l'Empire britannique, de la France, de l'Italie et du Japon, ainsi que des Représentants de aux<sup>1</sup> États membres de la Société, nommés par l'Assemblée générale suivant les principes et les conditions qu'elle jugera convenables. Jusqu'à cette nomination, les représentants de et de seront membres du Conseil Exécutif.

Le Conseil Exécutif se réunira de temps à autre, quand les circonstances le réclameront, et au moins une fois par an, au lieu qui sera désigné ou, à défaut d'une telle désignation, au siège de la Société, pour traiter toutes questions rentrant dans la sphère d'activité de la Société ou intéressant la paix du monde.

"Toute Puissance dont les intérêts se trouveraient directement affectés par une question mise à l'ordre du jour d'une session du Conseil Exécutif, sera invitée à assister à cette session, et la décision prise ne sera obligatoire pour cette Puissance que si elle a été ainsi invitée.

M. Pessoa (*Brésil*) déclare de nouveau qu'il ne peut pas accepter l'organisation du Conseil exécutif telle qu'elle est prévue à cet article. Après avoir développé les considérations émises à l'occasion de la première lecture du projet, il reconnaît que la question ne peut pas être tranchée exclusivement par les principes rigoureux du droit. On doit tenir compte aussi des injonctions de la raison politique. Mais il n'est ni équitable, ni juste, que les Nations qui ne sont pas considérées comme de grandes Puissances aient une représentation qui ne correspond même pas à un Délégué par continent. Il propose donc que, tout au moins, l'on revienne au projet primitif qui attribuait 5 Délégués aux Grandes Puissances et 4 aux autres.

M. Veniselos (*Grèce*) prie la Commission d'accepter le nombre de 4 représentants pour les États à intérêts limités.

Lord Robert Cecil (*Empire britannique*) accepte ce chiffre de 4, mais insiste sur la nécessité qu'il soit appuyé unanimement devant la Conférence par tous les États représentés à la Commission.

M. Batalha-Reis (*Portugal*) accepte pour le moment le nombre

<sup>1</sup> Error for "autres."

de 4 représentants ; mais il ne peut pas engager pour l'avenir l'opinion de son Gouvernement.

M. Pessoa (*Brésil*) dit qu'il n'est pas raisonnable que les Délégués des Grandes Puissances soient nommés directement par elles-mêmes, tandis que ceux des Petites Nations sont élus par l'assemblée des Délégués, c'est-à-dire sous l'influence de la collaboration des Grands États. Le Pouvoir exécutif de la Ligue doit avoir une seule source. On ne conçoit pas que quelques-uns de ses membres soient choisis par les États eux-mêmes et les autres par l'assemblée. Cela serait une organisation hybride.

M. Hymans (*Belgique*) donne également son approbation au chiffre de 4, tout en prévoyant des complications pour le jour où les États qu'on pourrait appeler moyens seraient admis dans la Société, ce qui risquerait d'éliminer les Petites Puissances.

Lord Robert Cecil (*Empire britannique*) est d'avis de laisser au texte une certaine élasticité afin d'éviter les inconvénients dont parle M. Hymans. En tout cas, si le Conseil exécutif est trop nombreux, la Ligue des Nations est compromise. L'Assemblée des Délégués choisira les petits États qui feront partie du Conseil exécutif et ces États désigneront eux-mêmes leurs délégués.

M. Léon Bourgeois (*France*) fait remarquer que le nombre de 9 membres du Conseil pourra être modifié par les circonstances, mais que l'essentiel est de maintenir la proportion entre les Grandes et les Petites Puissances qui est exprimée par le rapport de 5 à 4, c'est-à-dire la majorité plus 1.

M. Hymans (*Belgique*) croit préférable de n'être pas lié par un principe ou par une proposition déterminée à l'avance.

M. Veniselos (*Grèce*) accepte le principe de la majorité plus 1 pour les Grandes Puissances.

Le Président, après avoir fait remarquer que la Ligue sera qualifiée pour trancher elle-même les questions qui se poseront dans l'avenir, met aux voix l'article 3.

Cet article est adopté.

Il est entendu que la Conférence de la paix nommera les quatre États désignés en premier lieu pour faire partie du Conseil Exécutif.

#### ARTICLE IV.

Le Président donne lecture de l'article iv.

Toutes questions concernant la procédure à suivre par l'Assemblée des Délégués ou le Conseil Exécutif dans leurs sessions, y compris la constitution des Commissions chargées d'enquêter sur des cas particuliers, seront décidées par l'Assemblée ou le Conseil à la majorité des États représentés à la réunion.

La première session de l'Assemblée des Délégués et du Comité <sup>1</sup>

<sup>1</sup> Error for "Conseil."

Exécutif aura lieu sur la convocation du Président des États-Unis d'Amérique.<sup>1</sup>

Adopté.

#### ARTICLE V.

Le Président donne lecture de l'article v (ancien article iv), dans lequel le mot "Secrétaire général" a été substitué à celui de "Chancelier :"

Le Secrétariat permanent de la Société sera établi à qui sera le siège de la Société.

"Le Secrétariat comprendra les Secrétaires et le personnel nécessaires, placés sous la direction et le contrôle d'un Secrétaire général et nommés par lui, sauf approbation du Conseil Exécutif.

"Le Secrétaire général sera lui-même nommé par le Conseil Exécutif.

"Il assistera en cette qualité à toutes les sessions de l'Assemblée des Délégués ou du Conseil Exécutif.

"Les dépenses du Secrétariat seront supportées par les États membres de la Société, dans la proportion établie par <sup>2</sup> le Bureau international de l'Union postale universelle."

Adopté.

#### ARTICLE VI.

Le Président lit l'article vi. (ancien article v) :

"Les représentants des Hautes Parties Contractantes et les fonctionnaires de la Société jouiront, dans l'exercice de leurs fonctions, des privilèges et immunités diplomatiques.

"Les locaux occupés par la Société, ses fonctionnaires ou les représentants assistant aux sessions jouiront du bénéfice de l'exterritorialité."

Adopté.

#### ARTICLE VII.

Le Président lit l'article vii (ancien article vi) :

L'admission d'États non signataires du présent pacte ne peut se faire sans l'assentiment des deux tiers au moins des États représentés dans l'Assemblée des Délégués. Seuls pourront être admis les pays libres, y compris les <sup>3</sup> Dominions et les Colonies.

"Aucune nation, d'ailleurs, ne pourra être admise si elle n'est pas en mesure de donner des garanties effectives de son intention loyale d'observer les obligations internationales et si elle ne se conforme pas aux principes que la Société pourra établir, en ce qui concerne ses forces navales et militaires et ses armements."

<sup>1</sup> "d'Amérique" is omitted in my copy of the French text before this meeting.

<sup>2</sup> Error for "pour."

<sup>3</sup> "les" omitted in my copy of the French text before this meeting.

Lord Robert Cecil (*Empire britannique*) fait remarquer que la rédaction de l'amendement français a été adoptée pour le second paragraphe de cet article.

Un échange de vues a lieu au sujet de la signification du mot "pays libres":

M. Larnaude (*France*) fait observer que cette expression est adoptée par les auteurs de droit constitutionnel pour signifier un État doté d'institutions démocratiques ou libérales. En tout cas, elle se réfère à la constitution intérieure de l'État, elle est moins explicite que l'expression anglaise de "Self Government" qui est communément employée.

Pour essayer de traduire celle-ci, il faudrait employer une périphrase et dire: "Les Pays qui ont des institutions consacrant les libertés politiques et civiles."

M. Orlando (*Italie*) appuie les observations de M. Larnaude et dit que dans le droit italien on emploie également l'expression "pays libres" qui est absolument claire et se réfère aux libertés intérieures des États.

L'expression "fully self governing countries" est reconnue par la Commission comme la plus exacte. L'équivalent serait en français: "pays de Self-Government total."

Lord Robert Cecil (*Empire britannique*) accepte l'article à condition que les Indes, comme signataires du pacte, soient admises en qualité de membre de la Société.

Un échange de vues a lieu.

Le Président répond que, cette interprétation a déjà été acceptée.

Le Général Smuts (*Empire britannique*) demande si les Puissances neutres qui accèderont au pacte devront être considérées ou non comme signataires primitifs?

Le Président répond que la Société est composée uniquement par les Puissances alliées et associées mais les conditions d'admission pour les autres États ne sont pas de nature à écarter ceux qui veulent loyalement coopérer à la Ligue des Nations. Il fait part d'une suggestion présentée à cet égard par Lord Robert Cecil (*Empire britannique*): on pourrait ajouter au début de l'article VII, après les mots: "l'admission d'États non signataires du présent pacte," les mots "et non désignés par le protocole annexé comme devant être invités à signer le pacte."

M. Léon Bourgeois (*France*) fait remarquer qu'il serait très délicat de dresser une liste d'invitations de ce genre et que cette méthode obligerait à créer des catégories parmi les neutres. On peut supposer, d'autre part, que certains neutres, pour des raisons tirées de leur situation particulière ne se rendent pas à l'invitation de la Conférence. Il paraît donc préférable de ne pas dresser de liste d'invitations et de s'en tenir aux conditions générales d'admission prévues par l'article.

A la suite d'observations échangées entre MM. Hymans (*Belgique*), Larnaude (*France*) et Orlando (*Italie*), et Lord Robert Cecil (*Empire britannique*), il est entendu que le protocole d'invitation n'entrera en vigueur qu'après la signature du traité de paix.

M. Léon Bourgeois (*France*) rappelle que l'on a prévu trois phases dans l'étude de la Société; la première est l'organisation de la Société par les Alliés; la seconde consiste à insérer dans le traité de paix des obligations techniques telles que le désarmement; enfin, après la signature de la paix, il y aurait lieu de convoquer en une Conférence générale tous les peuples qui demanderont à participer à la Société des Nations.

M. Larnaude (*France*) fait remarquer que l'essentiel est de maintenir des conditions sévères pour les nations qui n'inspirent pas confiance; celles-là restent soumises à l'obligation d'obtenir les deux tiers des voix pour être admises. Quant aux neutres, on ne peut qu'être très libéral en ce qui concerne leur admission, et il est difficile de faire entre eux des différences.

A la suite de ces observations, l'amendement présenté par Lord Robert Cecil est mis aux voix et adopté.

Le Président s'excuse de ne pouvoir assister à la prochaine séance, par suite de l'obligation où il se trouve de se rendre au Conseil suprême des Alliés.

Il demande à la Commission de vouloir bien continuer ses travaux en son absence et de tenir la seconde séance dans l'après-midi, sous la présidence de Lord Robert Cecil (*Empire britannique*).

La séance est levée à 13 heures et la suite de la discussion est renvoyée à 15 h. 30.

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## PROCÈS-VERBAL NO. 10.

SÉANCE DU 13 FÉVRIER 1919.

La 10<sup>e</sup> séance est ouverte à 15 heures 30, à l'Hôtel Crillon, sous la présidence de Lord Robert Cecil.

Sont présents:

Le Colonel House (*États-Unis d'Amérique*); Lord Robert Cecil et le Général Smuts (*Empire Britannique*); MM. Léon Bourgeois et Larnaude (*France*); MM. Orlando et Scialoja (*Italie*); le Baron Makino et le Vicomte Chinda (*Japon*); M. Hymans (*Belgique*); M. Epitacio Pessôa (*Brésil*); M. Wellington Koo (*Chine*); M. Veniselos (*Grèce*); M. Dmowsky (*Pologne*); M. Jayme Batalha-Reis (*Portugal*); M. Diamandy (*Roumanie*); M. Vesnitch (*Serbie*); M. Kramar (*République Tchéco-Slovaque*).

## ARTICLE VIII ET IX

Le Président donne lecture des articles 8 et 9 en faisant remarquer que les changements apportés ont été faits de façon à ce que les textes

soient d'accord avec les observations des Délégués français et portugais.

Art. VIII. Les Hautes Parties Contractantes reconnaissent ce principe que le maintien de la paix nécessite la réduction des armements nationaux au minimum compatible avec l'exécution par l'action commune des obligations internationales et avec la sécurité nationale, en tenant spécialement compte de la situation géographique de chaque pays et des circonstances. Le Conseil Exécutif est chargé d'établir le plan de cette réduction. Il devra également soumettre à l'examen de chacun des Gouvernements la juste et raisonnable fixation des armements militaire, correspondant à l'échelle des forces établie par le programme de désarmement; les limites une fois adoptées, ne devront pas être dépassées sans l'autorisation du Conseil exécutif.

Les Hautes Parties Contractantes s'accordant à reconnaître que la fabrication privée des munitions et articles de guerre prête à de graves objections, chargent le Conseil exécutif d'aviser à la manière dont les pernicious effets qui en résultent peuvent être arrêtés en tenant compte à cet égard des nécessités des pays qui ne sont pas en mesure de fabriquer eux-mêmes les munitions nécessaires à leur sûreté.

Les Hautes Parties Contractantes s'engagent, en outre, à ne se rien cacher mutuellement de la condition de leurs industries susceptibles de s'adapter à la guerre ainsi que de l'échelle de leurs armements, et à donner franche et pleine publicité à leurs programmes militaires et navals.

Art. IX. Une Commission permanente sera constituée pour donner à la Société son avis sur les questions militaires et navales."

Le Président ajoute qu'à la fin du premier paragraphe les mots "Conseil exécutif" ont été substitués aux mots "Assemblée des Délégués".

Sur la proposition du Général Smuts les mots "de guerre" sont ajoutés après les mots "munitions" à la fin du second paragraphe.

M. Léon Bourgeois (*France*) appelle l'attention de la Commission sur le danger que la publicité pour la préparation militaire peut présenter, ainsi que l'a fait observer le Délégué du Portugal. Il en est tout autrement de la vérification des armements entre États de bonne foi; un régime de mutuelle confiance fondé sur un échange complet de renseignements ne peut offrir que des avantages et paraît indispensable au bon fonctionnement de la Société.

On est d'autre part obligé de prévoir le moment où la Société s'étendra à d'autres que ceux qui vont en faire immédiatement partie; on doit donc envisager des mesures pour que la bonne foi des Alliés actuels ne soit pas surprise. En résumé, une vérification est indispensable si l'on veut que la limitation des armements soit une réalité.

Il insiste donc pour que le texte suivant soit substitué au dernier alinéa de l'article VIII :

Les Hautes Parties Contractantes, résolues à se donner franche et pleine connaissance mutuelle de l'échelle de leurs armements et de leurs programmes militaires et navals, ainsi que des conditions de leurs industries susceptibles de s'adapter à la guerre, institueront une Commission chargée des constatations nécessaires.

M. Larnaude (*France*) fait remarquer en outre qu'il est impossible que le contrôle se contrôle lui-même et qu'il est naturel que la vérification des armements soit faite par d'autres que ceux qui fabriquent ces armements.

Le Président indique que le Comité de rédaction s'est efforcé de s'approcher le plus possible du point de vue français, mais il paraît difficile avec le système actuel d'adopter une conception intégrale de la vérification.

M. Léon Bourgeois (*France*) estime que le seul moyen pour la Délégation française de faire connaître son point de vue est de procéder par voie d'amendements, puisque le texte des propositions françaises n'a pas servi de base à la discussion. La question qui est actuellement posée a une telle importance que la Commission doit se prononcer sur le texte français.

M. Larnaude (*France*) est d'avis que la dissimulation des armements et des préparations militaires est une chose toujours possible et qu'un seul moyen existe de se renseigner sur les agissements du voisin : c'est d'instituer une Commission internationale chargée de faire les constatations nécessaires.

M. Kramar (*République tchéco-slovaque*) dit que les Alliés ont confiance les uns dans les autres, mais que c'est contre l'Allemagne qu'il s'agit de prévoir des garanties et un contrôle exceptionnels.

M. Léon Bourgeois (*France*) est d'accord avec M. Kramar, mais il est difficile dans une association d'avoir deux poids et deux mesures, et les règles établies doivent s'appliquer à l'ensemble des associés. On doit donc établir ces règles en prévision de la mauvaise foi possible de l'un des associés. On est obligé de prévoir que certains États peuvent manquer à leurs engagements. N'est-il pas indispensable pour la Société de s'assurer les moyens de connaître ces violations du pacte et de les réprimer? Quant à la forme, elle importe peu, et l'on peut adopter les modalités qui paraîtront les plus acceptables.

M. Veniselos (*Grèce*) est également d'avis qu'il faut prévoir un système de vérification et de répression.

M. Kramar (*République tchéco-slovaque*) propose d'ajouter à l'article 8<sup>1</sup> les mots suivants :

<sup>1</sup> Error for 7.

“Néanmoins les conditions spéciales affectant les forces navales et militaires imposées par le traité de paix à chaque État ne seront pas modifiées par le fait de l'admission d'un de ces États dans la Ligue.”

M. Vesnitch (*Serbie*) est d'avis que l'article 9 avec les modifications apportées par le Comité de rédaction donne les garanties souhaitées par les Délégués français.

Le Président fait observer à nouveau que tous les États-Majors militaires d'Europe connaissaient la préparation de l'Allemagne à la guerre.

M. Larnauze (*France*) rappelle qu'à la bataille de Charleroi le nombre des Corps d'armée allemands dépassait de trente les prévisions de l'État-Major français. Personne ne pouvait prévoir cette supériorité écrasante qui provenait d'une dissimulation habile des effectifs allemands.

M. Léon Bourgeois (*France*) dit que par une surveillance effective des armements la Société des Nations découragera toute tentative de guerre. Au contraire, si cette vérification n'existe pas, tout État ambitieux ou impérialiste aura le loisir de s'organiser silencieusement et de procéder à une attaque brusquée. L'absence de vérification encouragera la guerre.

M. Diamandy (*Roumanie*) est d'avis que le principe de la surveillance est juste mais que son application est fort difficile.

M. Léon Bourgeois (*France*) affirme que l'opinion publique en France est unanime à réclamer la réalisation de ce principe.

Le Président propose le texte suivant dans un but de conciliation :

“Une Commission permanente sera constituée pour donner à la Société son avis sur l'exécution des dispositions de l'article 8 et, en général, sur les questions militaires et navales.”

Ce texte impose à la Commission le devoir d'assurer l'exécution de l'article 9 sans qu'il y ait un contrôle proprement dit.

M. Léon Bourgeois (*France*) fait observer que cet amendement ne donne pas plus de pouvoir à cette Commission que n'en donnait le texte primitif. Il demande, en conséquence, que l'on mette aux voix le texte de l'amendement français.

Cet amendement mis aux voix est repoussé.

Le Président appelle l'attention sur le fait que le Comité de rédaction a substitué, dans l'article 8, les mots “complet et loyal échange d'informations” au mot “publicité”.

L'article 8 ainsi modifié est adopté.

La Commission examine l'amendement de M. Kramar (*Republique tchéco-slovaque*) qui a pour objet de maintenir un contrôle spécial pour certaines Puissances ultérieurement admises dans la Société.

Après un échange de vues entre MM. Kramar (*République tchéco-slovaque*), Hymans (*Belgique*), Scialoja (*Italie*) et le Général Smuts (*Empire britannique*) l'amendement est repoussé.

M. Léon Bourgeois (*France*) rappelle que la Délégation française a proposé un amendement à l'article 9 ainsi conçu :

“Un organisme permanent sera constitué pour prévoir et préparer les moyens militaires et navals d'exécution des obligations que la présente Convention impose aux Hautes Parties Contractantes et pour en assurer l'efficacité immédiate dans tous les cas d'urgence.”

Le Président fait observer que la proposition française envisage l'établissement d'un État-Major international ayant pour objet d'étudier les questions militaires et navales et les moyens de préparer une action efficace. Mais l'on ne peut pas considérer la Société des Nations comme une alliance contre l'Allemagne. Rien ne serait plus dangereux pour la paix. De même, aucun pays n'accepterait un État-Major international qui aurait le droit de s'immiscer dans ses propres plans navals et militaires.

M. Léon Bourgeois (*France*) explique les raisons qui ont motivé cet amendement. Il ne s'agit nullement de préparer une armée internationale stationnant ou agissant en un point donné. Il est simplement question d'établir une entente entre les autorités militaires des différents pays associés pour être prêt à utiliser les contingents nationaux d'une façon rapide en cas d'attaque brusquée de l'un des associés ou d'une Puissance non associée.

Si l'on ne prévoit pas une telle entente, on risque de se trouver dans un état de désorganisation analogue à celui où se trouvaient les Puissances libérales au moment où l'Allemagne a envahi la Belgique. Il s'agit donc uniquement de prévoir une organisation, dont le nom importe peu, mais dont le but est d'assurer l'efficacité immédiate d'une action militaire de la Société des Nations. Cette mesure est indispensable, non seulement pour la sécurité des nations exposées aux “risques géographiques”, mais encore pour la sécurité de l'ensemble de la Société elle-même.

A l'appui de ces observations, M. Larnauze (*France*) dit que la condition nécessaire pour que la Société des Nations impose à tous la paix, c'est qu'on sache qu'elle a les moyens de l'imposer. Or ce résultat est impossible à atteindre si l'on ne prévoit pas en temps de paix une organisation centrale prête à agir rapidement contre une Puissance récalcitrante ou belliqueuse.

M. Vesnitch (*Serbie*) rappelle les termes du texte précité de la Commission de rédaction :

Il estime que ce texte donne toute satisfaction à la Délégation française. Quant à l'amendement français, il introduit une idée de méfiance parmi les membres de la Société et suppose que l'un d'eux peut violer le pacte et qu'un contrôle rigoureux est nécessaire.

M. Léon Bourgeois (*France*) répond que les mots importent peu ; mais ce qui est essentiel, c'est l'idée d'organisation militaire et navale préparée dans le temps de paix par la Société des Nations : si l'on ne prépare rien, on sera surpris.

M. Hymans (*Belgique*) n'est pas impressionné par les craintes exprimées par M. Vesnitch en ce qui concerne les marques de méfiance dans la Société des Nations. Il est légitime de rechercher au moins des garanties, ce qui n'a rien de blessant pour personne ; il n'aperçoit d'ailleurs aucune différence essentielle entre l'amendement de la Commission et l'amendement français.

M. Larnaude (*France*) assure qu'il y a une différence, notamment à cause de la présence des mots "préparer les moyens militaires et navals d'exécution".

Le Président et M. Bourgeois (*France*) font observer chacun qu'ils sont allés jusqu'à l'extrême limite de ce que l'opinion publique pouvait accepter dans leur pays respectif.

L'amendement, mis aux voix, est repoussé.

L'article 9 est adopté.

Le Président donne lecture des articles 10, 11 et 12.

#### ARTICLE X, XI ET XII.

Art. x. Les Hautes Parties Contractantes s'engagent à respecter et à préserver contre toute agression extérieure l'intégrité territoriale et l'indépendance politique de tous les États adhérents à la Société. En cas d'agression, de menace et de danger d'agression, le Conseil exécutif avisera aux moyens propres à assurer l'exécution de cette obligation."

Adopté.

Art. xi. Toute guerre ou menace de guerre, qu'elle affecte immédiatement ou non l'une des Hautes Parties Contractantes, sera considérée comme intéressant la Société, et les Hautes Parties Contractantes se réservent le droit de prendre toute action qui leur paraîtra sage et efficace pour la sauvegarde de la paix des nations.

Les Hautes Parties Contractantes s'accordent également à déclarer formellement que chacune a le droit d'attirer amicalement l'attention de l'Assemblée des Délégués ou du Conseil Exécutif, sur quelque circonstance que ce soit qui, dans l'ordre des relations internationales, menacerait de troubler la paix du monde et la bonne entente entre les nations dont cette paix dépend.

Adopté.

Art. xii. Les Hautes Parties Contractantes conviennent que s'il venait à s'élever entre elles des différends qui n'auraient pu se régler par les procédés ordinaires de la diplomatie, elles ne recourront, en aucun cas, à la guerre sans avoir préalablement soumis les points de droit et de fait du litige à un arbitrage ou à une enquête, celle-ci confiée au Conseil Exécutif. De plus, elles devront attendre

trois mois après la sentence des arbitres ou la recommandation du Conseil Exécutif. Elles ne recourront jamais à la guerre contre les membres de la Société qui ne <sup>1</sup> se conformeront pas à la sentence des arbitres ou à la recommandation du Conseil Exécutif.

Dans tous les cas prévus par cet article, la sentence des arbitres sera rendue dans un délai raisonnable et la recommandation du Conseil Exécutif interviendra dans les six mois du jour où il aura été saisi du litige.

M. Koo (*Chine*) fait observer que la rédaction de l'article XII semblerait impliquer que l'assignation d'un délai de trois mois avant de recourir à la guerre et la prohibition absolue de recourir à la guerre dans certains autres cas, ne s'appliquent aucunement en ce qui concerne les recommandations de l'Assemblée des Délégués.

Lord Robert Cecil remarque que l'observation est exacte et suggère que la Commission de rédaction devrait inclure l'article XII dans le dernier paragraphe de l'article XV, pour que la lacune observée soit comblée.

Adopté.

#### ARTICLE XIII.

Le Président donne lecture de l'article XIII :

Art. XIII. Les Hautes Parties Contractantes conviennent que toutes les fois qu'il s'élèvera entre elles un différent susceptible, à leur commune estimation, de solution arbitrale, après avoir sans succès tenté de le régler par la voie diplomatique, elles soumettront dans sa totalité la question à l'arbitrage. La Cour d'arbitrage, à laquelle, à cette fin, l'affaire sera soumise, sera déterminée par les Parties, soient qu'elles la choisissent alors, soient qu'elles l'aient prévue dans une convention préexistante.<sup>2</sup>

"Les Hautes Parties Contractantes conviennent d'exécuter en toute bonne foi la sentence arbitrale rendue. Faute d'exécution de la sentence, le Conseil exécutif proposera les mesures qui peuvent le mieux en assurer l'exécution."<sup>3</sup>

Adopté.

#### ARTICLE XIV.

Le Président donne lecture de l'article XIV :

"Art. XIV. Le Conseil exécutif arrêtera le plan de création d'une Cour permanente de Justice internationale: cette Cour, dès son établissement, aura compétence pour entendre et juger toute question

<sup>1</sup> "ne" not in my copy of the French text before this meeting.

<sup>2</sup> In the text which I have as being before this Meeting, this line read "sera celle que les Parties choisiront ou qu'elles auront."

<sup>3</sup> In my copy of the French text before this Meeting, the words after "foi" are "toute sentence arbitrale qui peut être rendue"; and after the later "sentence" there is also the word "arbitrale."

que les Parties s'accorderont à considérer comme susceptible d'être arbitrée par elle<sup>1</sup> aux termes du précédent article

M. Léon Bourgeois (*France*) renouvelle une observation qui a déjà été faite au sujet du préambule et considère qu'il est regrettable de passer sous silence tout ce qui a été fait en 1899 et en 1907 à La Haye. L'œuvre de La Haye n'a pas été vaine et les États-Unis y ont particulièrement collaboré en provoquant le premier arbitrage de la Cour de La Haye, en 1902 (arbitrage du Fonds pieux de Californie); en prenant part à la Commission d'enquête du "Dogger Bank" (1905) et en proposant une Cour de justice internationale (1907). Contre l'œuvre entreprise actuellement par la Commission s'élèveront les mêmes critiques qu'au sujet de l'œuvre de La Haye. On tentera de dire qu'elle est inutile et inefficace.

Trente-deux pays libres se sont trouvés unis à La Haye dans le sentiment du droit et à plusieurs reprises des règlements internationaux de la plus haute importance ont été assurés grâce à la procédure de La Haye; il serait désirable que les précédents de l'œuvre actuelle soient rappelés dans le texte du Pacte.

M. Larnaude (*France*) s'associe à ces observations et fait remarquer que les sanctions prononcées contre l'Allemagne le seront en vertu des conventions de la Haye.

M. Batalha-Reis (*Portugal*) appuie l'opinion de la Délégation française.

Le Président dit qu'en ce qui concerne l'opinion anglaise et américaine il n'y aucune intention de discréditer l'œuvre de la Haye et il ne faut déduire aucune opposition contre elle du fait qu'elle n'est pas désignée dans le texte du présent pacte.

Le Colonel House (*États-Unis d'Amérique*) se rallie à cette opinion en observant que les États-Unis, ainsi que d'autres pays, ont ratifié la Convention de La Haye avec des réserves, ce qui soulève des questions délicates.

À la suite de cet échange de vues, l'article 14 mis aux voix est adopté.

#### ARTICLE XV.

Le Président donne lecture de l'article 15.

"S'il s'élevait entre les États membres de la Société quelque différend susceptible d'entraîner une rupture, et qu'on ne puisse, comme ci-dessus, soumettre à l'arbitrage, les Hautes Parties Contractantes conviennent de porter la question 'devant le Conseil Exécutif; l'une ou l'autre partie donne avis de l'existence du différend au Secrétaire général qui prend tous les arrangements nécessaires en vue d'une enquête et d'un examen complets. À cet

<sup>1</sup> For "d'être arbitrée par elle" my copy of the text reads "d'arbitrage par cette Cour."

effet, les parties conviennent de communiquer au Secrétaire général, aussi promptement que possible, l'exposé de leur cas, avec tous documents et pièces justificatives, dont le Conseil Exécutif peut immédiatement ordonner la publication.

Quand les efforts du Conseil assument <sup>1</sup> le règlement, un exposé doit être publié pour indiquer la nature du différend, les termes du règlement, avec toutes explications convenables. Si le différend n'a pu être réglé, le Conseil doit publier un rapport, donnant avec tous les faits nécessaires la recommandation que le Conseil estime juste et propre au règlement. Si le rapport obtient l'agrément unanime des membres du Conseil autres que les parties, les Hautes Parties Contractantes conviennent qu'elles n'entreront pas en guerre avec toute partie qui se conforme à la recommandation, et qu'en cas de refus, le Conseil proposera les mesures nécessaires pour assurer l'exécution de sa recommandation. Si l'unanimité ne peut <sup>2</sup> être obtenue, la majorité aura le devoir, et la minorité le privilège, de publier des exposés indiquant ce que l'une et l'autre croient être la réalité des faits et renfermant les recommandations que l'une et l'autre considèrent comme justes et convenables.

Le Conseil Exécutif peut, dans tous les cas prévus au présent article, porter le différend devant l'Assemblée des Délégués. À la requête de l'une ou l'autre des parties, le différend devra être ainsi porté devant l'Assemblée pourvu que cette requête intervienne dans les quatorze jours de la soumission du différend au Conseil.<sup>3</sup> Dans tous les cas soumis à l'Assemblée des Délégués, toutes les dispositions du présent article relatives à l'action et au pouvoir du Conseil Exécutif s'appliqueront à l'action et au pouvoir de l'Assemblée des Délégués.

Adopté.

#### ARTICLE XVI.

Le Président donne lecture de l'article 16.

"Au cas où une <sup>4</sup> des Parties contractantes romprait ou méconnaîtrait les engagements pris par elle à l'article 12 elle sera *ipso facto* considérée comme ayant commis un acte de guerre contre tous les autres membres de la Société. Ceux-ci s'engagent à la soumettre immédiatement à la rupture de toutes relations commerciales ou financières, à la prohibition de tous rapports entre leurs <sup>5</sup> nationaux et ceux de l'État en rupture de pacte, et à l'interdiction, aussi large que possible, de toutes communications financières, commerciales ou personnelles entre les nationaux de l'État en rupture de pacte et les nationaux de tout autre État, membre ou non de la Société.

<sup>1</sup> Error for "assurent."

<sup>2</sup> In my copy "pas" is inserted here.

<sup>3</sup> In my copy, as in the final text (see Annexe II) these first two sentences of this paragraph form only one sentence, because, *by error*, the words "le différend devra être ainsi porté devant l'Assemblée" are omitted.

<sup>4</sup> Error for "l'une."

<sup>5</sup> My copy reads "ses."

En ce cas, il sera du devoir du Conseil Exécutif d'indiquer par quelles forces effectives, militaire ou navales, les membres de la Société devront respectivement contribuer aux forces armées qui seront employées pour protéger les signataires du pacte social. Les Hautes Parties Contractantes conviennent, en outre, qu'elles se prêteront l'une à l'autre un mutuel appui dans l'application des mesures financières et économiques à prendre en vertu du présent article pour réduire au minimum les pertes et inconvénients qui en résulteront et de se prêter l'une à l'autre un mutuel appui dans la résistance à toutes mesures spéciales dirigées contre l'une d'entre elles par l'État en rupture de pacte. Enfin, elles s'accorderont <sup>1</sup> passage par leur territoire aux forces de toutes les Hautes Parties contractantes dont la coopération assure l'observation des engagements de la Société." <sup>2</sup>

Les mots "aussi large que possible" sont supprimés à la demande de M. Larnauze (*France*).

M. le Baron Makino (*Japon*) demande si l'article prévoit la suppression de toutes relations privées entre particuliers.

Le Président répond que l'expérience du blocus a montré la nécessité de mettre fin aux relations de toutes sortes avec un pays bloqué.

M. Koo (*Chine*) fait ressortir les conséquences de l'article qui permet à chaque État de déclarer la guerre, de sa propre initiative, à un agresseur éventuel.

L'article 16 est adopté.

#### ARTICLE XVII.

Le Président donne lecture de l'article 17:

"En cas de différend entre un État membre de la Société, et un État non membre, ou entre États qui ne sont pas membres, les Hautes Parties Contractantes conviennent que l'État ou les États non membres de la Société seront invités à assurer <sup>3</sup> les obligations de membres de la Société aux fins du litige, aux conditions estimées justes par le Conseil Exécutif, et, cette invitation acceptée, les dispositions qui précèdent leur seront applicables, sous réserve des modifications jugées nécessaires par la Société.

Dès l'envoi de cette invitation, le Conseil Exécutif ouvrira une enquête sur les faits et les arguments du différend et conseillera telle action qui lui semblera la meilleure et la plus efficace en la circonstance. Si la Puissance ainsi invitée refuse d'assumer les obligations de membres de la Société aux fins du différend et procède contre un État membre de la Société à un acte qui, s'il s'agissait d'un État

<sup>1</sup> Error for "accorderont."

<sup>2</sup> My copy reads "protègent les signataires du pacte social." Cf. the text in Annexe II.

<sup>3</sup> Error for "assumer."

membre constituerait une violation de l'article 12, les dispositions de l'article 16 s'appliqueront à cette Puissance.

Si les deux Parties ainsi invitées refusent d'assumer les obligations de membre de la Société aux fins du différend, le Conseil Exécutif peut prendre toute action et faire toute recommandation de nature à prévenir les hostilités et à assumer <sup>1</sup> le règlement.

M. Léon Bourgeois (*France*) indique la nécessité de viser à ce sujet non seulement l'article 10 mais les articles 11 et 13 concernant le déclenchement des sanctions. Les sanctions considérées comme nécessaires, dans le cas prévu par l'article 10 et dans le cas d'unanimité du Conseil Exécutif, ne sont pas visées dans l'article 17 comme devant être déclenchées suivant la même procédure. Il y a là une lacune qu'il serait bon de combler.

Sous cette réserve qui sera examinée par le Comité de rédaction, l'article 17 est adopté.

#### ARTICLE XVIII.

Le Président donne lecture de l'article 18:

Les Hautes Parties Contractantes sont d'accord pour confier à la Société le contrôle général du commerce des armes et munitions avec les pays où le contrôle de ce trafic est une nécessité d'intérêt commun.

Le Président, le Général Smuts (*Empire britannique*) et le Colonel House (*États-Unis d'Amérique*) demandent qu'il soit noté au procès-verbal que cet article s'applique aux pays qui ont été mentionnés dans le projet de convention pour le trafic des armements.

L'article 18 est adopté.

#### ARTICLE XIX.

Le Président donne lecture de l'article 19:

Les principes suivants s'appliquent aux colonies et territoires qui, à la suite de la guerre, ont cessé d'être sous la souveraineté des États qui les gouvernaient précédemment et qui sont habités par des peuples non encore capables de se diriger eux-mêmes dans les conditions particulièrement difficiles du monde moderne. Le bien-être et le développement de ces peuples forment une mission sacrée de civilisation, et il convient, en constituant la Société des Nations, d'y incorporer des gages pour l'accomplissement de cette mission.

La meilleure méthode de réaliser pratiquement ce principe est de confier la tutelle de ces peuples aux nations développées qui, en raison de leurs ressources, de leur expérience ou de leur position géographique, sont le mieux à même d'assumer cette responsabilité; elles exerceraient cette tutelle en qualité de mandataires et au nom de la Société des Nations.

<sup>1</sup> Error for "assurer."

Le caractère du mandat doit différer suivant le degré du développement du peuple, la situation géographique du territoire, ses conditions économiques et toutes autres circonstances analogues.

Certaines communautés, qui appartenaient autrefois à l'Empire ottoman, ont atteint un degré de développement tel que leur existence comme nations indépendantes peut être reconnue provisoirement à la condition que les conseils et l'aide d'une puissance mandataire guident leur administration jusqu'au moment où elles seront capables de se conduire seules. Les vœux de ces communautés doivent être pris en première considération pour le choix de la Puissance mandataire.

Le degré de développement où se trouvent d'autres peuples, spécialement ceux de l'Afrique Centrale, exige que le mandataire y assume l'administration du territoire à des conditions qui garantiront, avec la prohibition d'abus, tels que la traite des esclaves, le trafic des armes et celui de l'alcool, la liberté de conscience et de religion sans autres limitations que celles que peut imposer le maintien de l'ordre public et des mœurs, et l'interdiction d'établir des fortifications ou des bases militaires ou navales et de donner aux indigènes une instruction militaire, si ce n'est pour la police ou la défense du territoire, et qui assureront également aux autres membres de la Société des Nations des conditions d'égalité pour les échanges et le commerce.

Enfin, il y a des territoires, tels que le Sud-Ouest africain et certaines îles du Sud Pacifique austral, qui, par suite de la faible densité de leur population, de leur superficie restreinte, de leur éloignement des centres de civilisation, de contiguïté géographique à l'État mandataire, ou d'autres circonstances, ne sauraient être mieux administrés qu'en étant soumis aux lois de l'État mandataire comme partie intégrante de cet État, sous réserve des garanties prévues plus haut dans l'intérêt de la population indigène.

Dans tous les cas, l'État mandataire devra envoyer à la Société des Nations un rapport annuel concernant les territoires soumis à sa charge.

Si le degré d'autorité, de contrôle ou d'administration à exercer par l'État mandataire n'a pas fait l'objet d'une convention antérieure entre les Hautes Parties Contractantes, il sera expressément déterminé par le Conseil Exécutif dans un acte spécial ou une charte particulière.

Les Hautes Parties Contractantes sont d'accord pour instituer au siège de la Société une Commission chargée de recevoir et d'examiner les rapports annuels des Puissances mandataires et d'aider la Société à l'observation des stipulations de tous les mandats.

MM. Hymans (*Belgique*) et Léon Bourgeois (*France*) font remarquer que le principe de cet article a été arrêté par le Conseil suprême à la Conférence; par suite, il échappe à la compétence de la Commission et c'est en réunion plénière qu'il y aura lieu de le discuter éventuellement.

M. Léon Bourgeois (*France*) rappelle qu'il a déposé un amendement à l'article XIX (ancien article XVII). [Voir Procès-verbal, n° 6.]

L'article 19 est adopté.

#### ARTICLE XX.

Le Président donne lecture de l'article 20.

Les Hautes Parties Contractantes s'efforceront d'établir et maintenir des conditions de travail équitables et humaines pour l'homme, la femme et l'enfant, tant sur leurs territoires que sur ceux auxquels s'étendent leurs relations de commerce et d'industrie.

A cet effet, elles sont d'accord pour instituer un Bureau permanent du Travail, qui formera partie intégrante de l'organisation de la Société.

Adopté.

#### ARTICLE XXI.

Le Président donne lecture de l'article 21.

Les Hautes Parties Contractantes sont d'accord pour déclarer qu'aucune entrave n'interviendra dans le libre exercice de toute croyance, religion ou opinion, dont la pratique n'est pas incompatible avec l'ordre public et les mœurs, et que, dans leur juridiction respective, nul ne sera troublé dans sa vie, sa liberté ou sa poursuite du bonheur en raison de son adhésion à une telle croyance, religion ou opinion.

M. le Colonel House (*États-Unis d'Amérique*) désire faire connaître l'importance que le Président Wilson (*États-Unis d'Amérique*) ajoute à l'insertion de cet article.

M. Larnaude (*France*), tout en appréciant l'importance qu'il y a à proclamer l'inviolabilité de la conscience humaine et des manifestations du culte, estime qu'il est difficile d'insérer un texte à cet égard. De toutes façons, les préoccupations du Président Wilson (*États-Unis d'Amérique*) se réfèrent à des pays qui ne font nullement partie des pays représentés à la Conférence de la Paix.

M. Batalha Reis (*Portugal*) dit que sa longue résidence dans quelques pays de l'Europe orientale l'a convaincu que les luttes que l'on croit être des luttes religieuses sont presque toujours des luttes de races. Les Israélites qui, en Russie et en Pologne, se font chrétiens, ne cessent pas pour cela, eux et leurs descendants, d'être haïs et persécutés.

M. le Baron Makino (*Japon*) donne lecture de la note suivante :

La clause additionnelle que je propose me paraîtrait venir à sa place après l'article 21. Il n'est pas nécessaire d'insister sur le fait que les animosités de races et de religions ont constitué une source

féconde de troubles et de guerres parmi les différents peuples à travers l'histoire et ont conduit à des excès déplorables. Cet article, tel qu'il est rédigé, s'efforce d'éliminer des relations internationales les causes religieuses de désaccord. Comme la question de race se trouve une difficulté constante qui peut devenir aiguë et dangereuse à tout moment dans l'avenir, il est désirable que toutes précautions soient prises dans le pacte pour régler ce sujet. Il semblerait que les questions de religion et de race pourraient être traitées simultanément.

Je désire donc proposer l'amendement suivant :

“L'égalité des nations étant un principe fondamental de la Société des Nations, les Hautes Parties Contractantes conviennent d'accorder, aussitôt que possible, à tous les étrangers nationaux des États membres de la Société un traitement juste et égal à tous les points de vue, sans faire aucune distinction, en droit ou en fait, à raison de leur race ou de leur nationalité”.

Ce texte serait inséré immédiatement à la fin de l'article 21. Que les races humaines ne soient pas traitées sur le même pied d'égalité en droit et en fait, cela est indéniable et il suffit de rappeler ici l'existence de cet état de choses. Je me rends compte des difficultés qui se présentent pour la réalisation du principe contenu dans cette clause, mais je ne crois pas que ces difficultés soient insurmontables si l'on ajoute une importance suffisante aux sérieuses divergences qui peuvent surgir entre les peuples à cet égard.

Il est à souhaiter que cette question soit traitée dans une occasion semblable à celle-ci. Ce qui paraissait impossible auparavant est maintenant sur le point d'être réalisé. La création de la Société elle-même, que les efforts de plusieurs générations n'ont pas réussi à accomplir, en est un exemple notable.

Si cette organisation peut ouvrir la voie à la solution du problème, le rayon d'action de son effort deviendra plus large et englobera les intérêts d'une plus grande partie de l'humanité.

On doit admettre en même temps que le préjugé des races est une matière très délicate et compliquée, qu'elle agite les passions et par suite qu'elle réclame des solutions prudentes. Ces considérations n'ont pas manqué d'être envisagées à un point de vue pratique et l'on ne songe pas à proposer ici une réalisation immédiate dans l'égalité idéale des traitements entre les peuples. La clause énonce simplement le principe d'égalité et laisse le soin de l'appliquer aux chefs responsables des États membres de la Société qui tiendront compte de l'opinion publique. En un sens, cet amendement peut être regardé comme une invitation aux Gouvernements et aux peuples à examiner de plus près et plus sérieusement la question et à trouver un moyen acceptable de sortir de l'impasse dans laquelle se trouvent jusqu'à présent les différents peuples.

Comme résultat de cette guerre, la vague de l'esprit national et démocratique s'est étendue à toutes les parties du monde et a donné une impulsion additionnelle aux aspirations de tous les peuples; cette impulsion une fois en mouvement, acquérant des forces nouvelles, ne peut pas être arrêtée et il serait imprudent de traiter avec légèreté ses manifestations.

Il y a d'autres considérations d'une nature plus directe qui méritent une sérieuse réflexion. Les futurs États, membres de la Société, comprenant toutes sortes de races, constituent une grande famille des Nations et forment en ce sens une organisation mondiale d'assurance contre l'agression et la guerre. Si l'indépendance et l'intégrité politique de l'un des membres sont menacées par un tiers, une nation ou plusieurs nations convenablement placées doivent être préparées à prendre les armes contre l'agresseur et il y a aussi des cas où il faudra sanctionner les obligations communes par le recours à la force armée. Ce devoir est en vérité sérieux pour les États membres de la Société qui doivent, conformément à leur capacité et à leurs pouvoirs, se protéger mutuellement et se préparer à remplir leurs obligations pour le bénéfice des Nations associées. Cela implique qu'un citoyen d'une de ces nations doit être prêt à supporter les dépenses militaires pour la cause commune et, s'il est besoin, défendre les autres peuples de sa propre personne. En considérant ce nouveau devoir qui s'impose à lui comme le résultat de l'entrée de son pays dans la Société, chaque citoyen aimerait à sentir qu'il est placé sur un pied d'égalité avec les peuples qu'il entreprendra de défendre au péril de sa propre vie.

Dans cette guerre, pour atteindre le but commun, des races différentes ont combattu ensemble sur le champ de bataille, dans les tranchées, en pleine mer, se sont aidées mutuellement et ont sauvé les existences de leurs compagnons d'armes sans considération des différences de race : un lien commun de sympathie et de gratitude a été établi dans une mesure qui n'avait jamais été atteinte jusqu'alors. Je pense qu'il est simplement juste qu'après ces souffrances et cette délivrance communes, le principe de l'égalité parmi les hommes soit admis et devienne la base de leurs relations futures.

Le Président fait remarquer que ce sujet a été l'objet de discussions longues et difficiles. Dans l'Empire britannique, c'est une question qui soulève des problèmes extrêmement sérieux. Elle présente un caractère de controverse, et malgré la noblesse de la pensée qui inspire le Baron Makino (*Japon*), il serait plus sage pour le moment de surseoir à son examen.

M. Koo (*Chine*) déclare que le Gouvernement et le peuple chinois sont profondément intéressés à la question soulevée par le Baron Makino, et ajoute qu'il est naturellement complètement d'accord avec l'esprit de l'amendement proposé. Mais en attendant la réception d'instructions de son Gouvernement, il réserverait pour l'avenir son droit de discussion et demande que sa réserve soit insérée dans le procès-verbal.

M. Veniselos (*Grèce*) est d'avis que les questions de races et de religions seront certainement réglées dans l'avenir par la Société des Nations, mais qu'il vaudrait mieux pour le moment ne pas y faire allusion.

Plusieurs Membres se rallient à cette manière de voir.

Le Colonel House (*États-Unis d'Amérique*) dit qu'il fera part au Président Wilson de l'état d'esprit de la Commission et qu'il réserve en tout cas le droit du Président de soulever de nouveau cette question à la Conférence.

Sous cette réserve, l'article 21 est supprimé.

#### ARTICLE XXII.

Le Président donne lecture de l'article 22 :

Les Hautes Parties Contractantes sont d'accord pour déclarer que des dispositions seront prises, par l'entremise de la Société, pour garantir et maintenir la liberté du transit et l'équitable traitement du commerce de tous les États membres de la Société, entendant ainsi, notamment, que <sup>1</sup> des arrangements spéciaux peuvent être pris pour répondre aux besoins des régions dévastées pendant la guerre de 1914-1918.

M. Pessoa (*Brésil*) indique que l'article 22 établit la liberté de transit pour le commerce des nations membres de la Ligue. Des contrats concernant l'aménagement des ports ont déjà été passés et une taxe doit être payée par les bateaux et les marchandises qui utilisent les quais. Quelle va être, à l'égard des concessionnaires, la position des États qui ont passé de tels contrats? Il semble que ces États ne peuvent pas s'engager à accorder la liberté de transit et qu'ils sont liés par ces contrats. Il y aurait donc lieu de faire une réserve à cet égard.

Le Président répond qu'il s'agit simplement d'établir un principe général dans le cas où un État possède les deux rives d'un fleuve; il faut que le libre accès du fleuve soit assuré aux autres États qui sont placés en amont.

M. Diamandy (*Roumanie*) demande que cette interprétation soit insérée dans le procès-verbal.

M. Hymans (*Belgique*) réclame la liberté pour tous de conclure des ententes commerciales et de prévoir un traitement spécial pour l'avenir économique des pays qui ont souffert des destructions allemandes.

M. Batalha Reis (*Portugal*) rappelle ses observations à ce sujet lors de la discussion de l'article xxii (alors art. xx).

Il doit aussi, comme M. Pessoa, Délégué du Brésil, et d'autres Délégués, faire des réserves sur les mots "Liberté de transit" qui se trouvent au même article xxi.

Le Président répond que ces préoccupations sont absolument réservées par le texte de l'article.

M. Batalha Reis (*Portugal*) prend acte des déclarations du Président (Lord Robert Cecil) et de celles d'autres Délégués sur le vrai sens et l'importance du mot "équitable."

L'article 22 est adopté.

<sup>1</sup> My copy reads "que notamment."

## ARTICLE XXIII.

Le Président donne lecture de l'article 23 :

Les Hautes Parties Contractantes conviennent de placer sous le contrôle de la Société tous les bureaux internationaux antérieurement établis par traités généraux, si les Parties à ces traités y consentent. En outre, elles conviennent que tous Bureaux internationaux de cette sorte, qui se créeront ultérieurement seront placés sous le contrôle de la Société.

Adopté.

## ARTICLE XXIV ET XXV.

Le Président donne lecture des articles 24 et 25 :

Article xxiv. Les Hautes Parties Contractantes conviennent que tout traité ou engagement international, que viendrait à conclure un État membre de la Société, sera immédiatement enregistré par le Secrétaire général, qui le publiera aussitôt que possible, et qu'un tel traité ou engagement international ne sera pas obligatoire avant cet enregistrement.

Adopté.

Article xxv. L'Assemblée des Délégués aura le droit, de temps à autre, d'inviter les États membres de la Société à procéder à un nouvel examen des traités devenus inapplicables et des conditions internationales dont le maintien pourrait mettre en péril la paix du monde.

Adopté.

M. Léon Bourgeois (*France*) est frappé de la similitude des objets prévus par les articles 25 et 26 et pense qu'on pourrait les fusionner en un seul article.

M. Hymans (*Belgique*) appelle l'attention sur la nécessité d'examiner les traités présentés par des États pour rechercher s'ils ne sont pas en contradiction avec le présent Pacte.

## ARTICLE XXVI.

Le Président donne lecture de l'article 26 :

Les Hautes Parties Contractantes conviennent respectivement que, par le présent Pacte, elles entendent abroger toutes obligations *internes*<sup>1</sup> qui sont incompatibles avec ces termes. Elles s'engagent solennellement à ne pas conclure, par la suite, de contrat incompatible avec les termes du Pacte.

Au cas où une Puissance, signataire dès l'origine ou ultérieurement entrée dans la Société, aurait, avant de devenir partie au présent Pacte, assumé des obligations incompatibles avec les termes de ce

<sup>1</sup> Error for "*inter se*."

Pacte, elle aura le devoir de prendre immédiatement les mesures de nature à la dégager de ses obligations.

L'article 27 est adopté.

#### ARTICLE XXVII.

Le Président donne lecture de l'article 27 :

Les amendements au présent Pacte entreront en vigueur après ratification par les États dont les Représentants composent le Conseil Exécutif et par les trois quarts des États de ceux dont les Représentants composent l'Assemblée des Délégués.

L'article 27 est adopté.

Le Président constate que le projet de Pacte est adopté par la Commission en deuxième lecture. Ce projet, à l'exception de l'article 21, sera présenté à la séance plénière de demain, qui n'aura pas à se prononcer par un vote. (*Voir le texte du Projet de Pacte en Annexe.*)

La séance est levée à 19 heures 45.

### ANNEXE AU PROCÈS-VERBAL NO. 10.

#### ANNEXE I.

#### AMENDEMENTS DE LA DÉLÉGATION FRANÇAISE

##### ARTICLE 8. (*dernier paragraphe.*)

Les Hautes Parties Contractantes résolues à se donner franche et pleine connaissance mutuelle de l'échelle de leurs armements et de leurs programmes militaires et navals, ainsi que des conditions de leurs industries susceptibles de s'adapter à la guerre, institueront une Commission chargée des constatations nécessaires.

#### ARTICLE 9.

Un organisme permanent sera constitué pour prévoir et préparer les moyens militaires et navals d'exécution des obligations que la présente Convention impose aux Hautes Parties Contractantes et pour en assurer l'efficacité immédiate dans tous les cas d'urgence.

#### ANNEXE II.

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#### PROJET DE PACTE.

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#### PRÉAMBULE.

En vue de favoriser la collaboration des Nations et de leur assurer entre elles la paix et la sécurité par l'engagement de ne pas recourir

à la guerre, l'établissement de relations ouvertes, justes, honorables, entre les peuples, l'affirmation expresse que les prescriptions du droit international constituent la règle de conduite effective des Gouvernements, le maintien de la justice et le scrupuleux respect des traités dans les rapports réciproques des peuples organisés,

Les Puissances signataires du présent Pacte adoptent cette constitution de la Société des Nations :

#### ARTICLE 1<sup>er</sup>.

L'action des Hautes Parties Contractantes, aux termes du présent Pacte, se réalise par le moyen de sessions de Délégués, représentant les Hautes Parties Contractantes, de sessions plus fréquentes d'un Conseil exécutif et d'un Secrétariat international établi, d'une manière permanente, au siège de la Société.

#### ARTICLE II.

Les sessions de l'Assemblée des Délégués, se tiendront à des intervalles déterminés et, de temps à autre, quand les circonstances le réclameront, pour traiter des questions qui rentrent dans la sphère d'activité de la Société.

L'Assemblée des Délégués se réunira au siège de la Société ou en tel autre endroit qui sera jugé convenable. Elle se composera des Représentants des Hautes Parties Contractantes. Chacune des Hautes Parties Contractantes disposera d'une voix, mais ne pourra compter plus de trois Représentants.

#### ARTICLE III.

Le Conseil exécutif se composera de Représentants des États-Unis d'Amérique, de l'Empire britannique, de la France, de l'Italie et du Japon, ainsi que de Représentants de quatre autres États membres de la Société. La désignation de ces quatre États sera faite par l'Assemblée des Délégués, suivant les principes et les conditions qu'elle jugera convenable. Jusqu'à cette désignation, les Représentants de..... et de..... seront membres du Conseil exécutif.

Le Conseil exécutif se réunira de temps à autre, quand les circonstances le réclameront et au moins une fois par an, au lieu qui sera désigné, ou, à défaut d'une telle désignation au siège de la Société, pour traiter toutes questions rentrant dans la sphère d'activité de la Société ou intéressant la Paix du monde.

Toute Puissance, dont les intérêts se trouveraient directement affectés par une question mise à l'ordre du jour d'une session du Conseil exécutif, sera invitée à assister à cette session et la décision prise ne liera cette Puissance que si elle a été ainsi invitée.

## ARTICLE IV.

Toutes questions concernant la procédure à suivre par l'Assemblée des Délégués ou le Conseil exécutif dans leurs sessions, y compris la constitution des Commissions chargées d'enquêter sur des cas particuliers, seront décidées par l'Assemblée ou le Conseil à la majorité des États représentés à la réunion.

La première session de l'Assemblée des Délégués et du Comité exécutif aura lieu sur la convocation du Président des États-Unis d'Amérique.

## ARTICLE V.

Le Secrétariat permanent de la Société sera établi à ..... Cette ville sera le siège de la Société.

Le Secrétariat comprendra les secrétaires et le personnel nécessaires, sous la direction et le contrôle d'un Secrétaire général qui sera choisi par le Conseil exécutif.

Le Secrétariat sera nommé par le Secrétaire général, sauf approbation du Conseil exécutif.

Le Secrétaire général assistera en cette qualité à toutes les sessions de l'Assemblée des Délégués ou du Conseil exécutif.

Les dépenses du Secrétariat seront supportées par les États membres de la Société dans la proportion établie pour le Bureau international de l'Union postale universelle.

## ARTICLE VI.

Les Représentants des Hautes Parties Contractantes et les fonctionnaires de la Société jouiront, dans l'exercice de leurs fonctions, des privilèges et immunités diplomatiques.

Les locaux occupés par la Société, ses fonctionnaires ou les Représentants assistant aux sessions, jouiront du bénéfice de l'exterritorialité.

## ARTICLE VII.

L'admission dans la Société d'États qui ne sont pas signataires du présent Pacte, ni nommés dans le Protocole ci-annexé parmi ceux qui doivent être invités à lui donner leur adhésion, ne peut se faire sans l'assentiment des deux tiers au moins des États représentés dans l'Assemblée des Délégués. Seuls pourront être admis les pays de *self-government* total, ce qui comprend les Dominions et les colonies.

Aucune Nation, d'ailleurs, ne pourra être admise si elle n'est pas en mesure de donner des garanties effectives de son intention loyale d'observer les obligations internationales et si elle ne se conforme pas aux principes que la Société pourra établir, en ce qui concerne ses forces et armements militaires et navals.

## ARTICLE VIII.

Les Hautes Parties Contractantes reconnaissent ce principe que le maintien de la Paix nécessite la réduction des armements nationaux au minimum compatible avec l'exécution par l'action commune des obligations internationales et avec la sécurité nationale en tenant spécialement compte de la situation géographique de chaque pays et des circonstances. Le Conseil exécutif est chargé d'établir le plan de cette réduction. Il devra également soumettre à l'examen de chacun des Gouvernements la juste et raisonnable fixation des armements militaires, correspondant à l'échelle des forces établie par le programme du désarmement; les limites, une fois adoptées, ne devront pas être dépassées sans l'autorisation du Conseil exécutif.

Les Hautes Parties Contractantes s'accordant à reconnaître que la fabrication privée des munitions et articles de guerre prête à de graves objections, chargent le Conseil exécutif d'aviser à la manière dont les pernicious effets qui en résultent peuvent être arrêtés (en tenant compte à cet égard des nécessités des pays qui ne sont pas en mesure de fabriquer eux-mêmes les munitions et articles de guerre nécessaires à leur sûreté).<sup>1</sup>

Les Hautes Parties Contractantes s'engagent, en outre, à ne se rien cacher mutuellement de la condition de leurs industries susceptibles de s'adapter à la guerre ainsi que de l'échelle de leurs armements, et à faire plein et franc échange d'informations sur leurs programmes militaires et navals.

## ARTICLE IX.

Une Commission permanente sera constituée pour donner à la Société son avis sur l'exécution des prescriptions de l'article VIII et, d'une façon générale, sur les questions militaires et navales.

## ARTICLE X.

Les Hautes Parties Contractantes s'engagent à respecter et à préserver contre toute agression extérieure l'intégrité territoriale et l'indépendance politique de tous les États adhérents à la Société. En cas d'agression, de menace ou de danger d'agression, le Conseil exécutif avisera aux moyens propres à assurer l'exécution de cette obligation.

## ARTICLE XI.

Toute guerre ou menace de guerre, qu'elle affecte immédiatement ou non l'une des Hautes Parties Contractantes, sera considérée comme intéressant la Société, et les Hautes Parties contractantes se réservent

<sup>1</sup> The words in parenthesis are part of the text. The parenthesis symbols should be omitted.

le droit de prendre toute action qui leur paraîtra sage et efficace pour la sauvegarde de la Paix des Nations.

Les Hautes Parties Contractantes s'accordent également à déclarer formellement que chacune a le droit d'attirer amicalement l'attention de l'Assemblée des Délégués ou du Conseil exécutif sur quelque circonstance que ce soit qui, dans l'ordre des relations internationales, menacerait de troubler la Paix du monde et la bonne entente entre les Nations dont cette paix dépend.

#### ARTICLE XII.

Les Hautes Parties Contractantes conviennent que, s'il venait à s'élever entre elles des différends qui n'auraient pu se régler par les procédés ordinaires de la diplomatie, elles ne devront, en aucun cas, recourir à la guerre, sans avoir préalablement soumis les éléments du différend à une enquête, confiée au Conseil exécutif, ou à un arbitrage.

De plus, elles devront attendre trois mois après la recommandation du Conseil exécutif ou la sentence des arbitres. Elles ne devront jamais recourir à la guerre contre tout membre de la Société qui se conformera à la sentence des arbitres ou à la recommandation du Conseil exécutif.

Dans tous les cas prévus par cet article, la sentence des arbitres sera rendue dans un délai raisonnable et la recommandation du Conseil exécutif interviendra dans les six mois du jour où il aura été saisi du litige.

#### ARTICLE XIII.

Les Hautes Parties Contractantes conviennent que toutes les fois qu'il s'élèvera entre elles un différend susceptible, à leur commune estimation, de solution arbitrale, après avoir sans succès tenté de le régler par la voie diplomatique, elles soumettront dans sa totalité la question à l'arbitrage. La Cour d'arbitrage, à laquelle, à cette fin, l'affaire sera soumise, sera déterminée par les Parties, soit qu'elles la choisissent alors, soit qu'elles l'aient prévue dans une convention préexistante.

Les Hautes Parties Contractantes conviennent d'exécuter en toute bonne foi la sentence arbitrale rendue. Faute d'exécution de la sentence, le Conseil exécutif proposera les mesures qui peuvent le mieux en assurer l'exécution.

#### ARTICLE XIV.

Le Conseil exécutif arrêtera le plan de création d'une Cour permanente de Justice internationale : cette Cour, dès son établissement, aura compétence pour entendre et juger toute question que les Parties s'accorderont à considérer comme susceptible d'être arbitrée par elle aux termes du précédent article.

## ARTICLE XV.

S'il s'élevait entre les États membres de la Société quelque différend susceptible d'entraîner une rupture, et qui ne puisse, comme ci-dessus, être soumis à l'arbitrage, les Hautes Parties Contractantes conviendront de porter la question devant le Conseil exécutif : l'une ou l'autre Partie donne avis de l'existence du différend au Secrétaire général qui prend tous arrangements nécessaires en vue d'une enquête et d'un examen complets. À cet effet, les Parties conviendront de communiquer au Secrétaire général, aussi promptement que possible, l'exposé de leur cas, avec tous documents et pièces justificatives, dont le Conseil exécutif peut immédiatement ordonner la publication.

Quand les efforts du Conseil assurent le règlement, un exposé doit être publié pour indiquer la nature du différend et les termes du règlement, avec toutes explications convenables. Si le différend n'a pu être réglé, le Conseil doit publier un rapport, donnant avec tous les faits nécessaires la recommandation que le Conseil estime juste et propre au règlement. Si le rapport obtient l'agrément unanime des membres du Conseil autres que les Parties, les Hautes Parties Contractantes conviendront qu'elles n'entreront pas en guerre avec toute Partie qui se conforme à la recommandation et, qu'en cas de refus, le Conseil proposera les mesures nécessaires pour assurer l'exécution de sa recommandation. Si l'unanimité ne peut s'obtenir, la majorité aura le devoir, et la minorité le privilège, de publier des exposés indiquant ce que l'une et l'autre croient être la réalité des faits et contenant les recommandations que l'une et l'autre considèrent comme justes et utiles.

Le Conseil exécutif peut, dans tous les cas prévus au présent article, porter le différend à l'Assemblée des Délégués, à la requête de l'une ou l'autre des Parties, pourvu que cette requête intervienne dans les quatorze jours de la soumission du différend au Conseil. Dans tous les cas soumis à l'Assemblée des Délégués, toutes les dispositions du présent article et de l'article XII relatives à l'action et au pouvoir du Conseil exécutif s'appliqueront à l'action et au pouvoir de l'Assemblée des Délégués.

## ARTICLE XVI.

Au cas où l'une des Parties Contractantes romprait ou méconnaîtrait les engagements pris par elle à l'article XII, elle sera *ipso facto* considérée comme ayant commis un acte de guerre contre tous les autres membres de la Société; ceux-ci s'engagent à la soumettre immédiatement à la rupture de toutes relations commerciales ou financières, à la prohibition de tous rapports entre leurs nationaux et ceux de l'État en rupture de Pacte, et à l'interdiction de toutes communications financières, commerciales ou personnelles entre les

nationaux de l'État en rupture de Pacte et les nationaux de tout autre État, membre ou non de la Société.

En ce cas, il sera du devoir du Conseil exécutif d'indiquer par quels effectifs, militaires ou navals, les membres de la Société devront respectivement contribuer aux forces armées qui seront employées pour protéger les signataires du Pacte social. Les Hautes Parties Contractantes conviennent, en outre, de se prêter l'une à l'autre un mutuel appui dans l'application des mesures financières et économiques à prendre en vertu du présent article pour réduire au minimum les pertes et inconvénients qui en résulteront. Elles se prêteront également l'une à l'autre un mutuel appui dans la résistance à toutes mesures spéciales dirigées contre l'une d'entre elles par l'État en rupture de Pacte. Enfin, elles accorderont passage par leur territoire aux forces de toutes les Hautes Parties Contractantes dont la coopération protège les signataires du Pacte social.

#### ARTICLE XVII.

En cas de différend entre un État membre de la Société et un État non membre, ou entre États qui ne sont pas membres, les Hautes Parties Contractantes conviennent que l'État ou les États non membres de la Société seront invités à accepter les obligations de membres de la Société aux fins du litige, aux conditions estimées justes par le Conseil exécutif. Si elles défèrent à cette invitation, les dispositions qui précèdent leur seront applicables, sous réserve des modifications jugées nécessaires par la Société.

Dès l'envoi de cette invitation, le Conseil exécutif ouvre une enquête sur les faits et arguments du différend. Il conseille telle action qui lui semblera la meilleure et la plus efficace en la circonstance. Si la Puissance ainsi invitée refuse d'accepter les obligations de membre de la Société aux fins du différend, et procède, contre un État membre de la Société, à un acte qui, émané d'un État membre, constituerait une violation de l'article XII, les dispositions de l'article XVI s'appliqueront à cette Puissance.

Si les deux Parties ainsi invitées refusent d'accepter les obligations de membre de la Société aux fins du différend, le Conseil exécutif peut prendre toute action et faire toute recommandation de nature à prévenir les hostilités et à assurer le règlement.

#### ARTICLE XVIII.

Les Hautes Parties Contractantes sont d'accord pour confier à la Société le contrôle général du commerce des armes et munitions avec les pays où le contrôle de ce trafic est une nécessité d'intérêt commun.

#### ARTICLE XIX.

Les principes suivants s'appliquent aux colonies et territoires qui, à la suite de la guerre, ont cessé d'être sous la souveraineté des États

qui les gouvernaient précédemment et qui sont habités par des peuples non encore capables de se diriger eux-mêmes dans les conditions particulièrement difficiles du monde moderne. Le bien-être et le développement de ces peuples forment une mission sacrée de civilisation, et il convient, en constituant la Société des Nations, d'y incorporer des gages pour l'accomplissement de cette mission.

La meilleure méthode de réaliser pratiquement ce principe est de confier la tutelle de ces peuples aux Nations développées qui, en raison de leurs ressources, de leur expérience ou de leur position géographique, sont le mieux à même d'assumer cette responsabilité : elles exerceraient cette tutelle en qualité de mandataires et au nom de la Société des Nations.

Le caractère du mandat doit différer suivant le degré du développement du peuple, la situation géographique du territoire, ses conditions économiques et toutes autres circonstances analogues.

Certaines communautés, qui appartenaient autrefois à l'Empire ottoman, ont atteint un degré de développement tel que leur existence comme nations indépendantes peut être reconnue provisoirement, à la condition que les conseils et l'aide d'une Puissance mandataire guident leur administration jusqu'au moment où elles seront capables de se conduire seules. Les vœux de ces communautés doivent être pris en première considération pour le choix de la Puissance mandataire.

Le degré de développement où se trouvent d'autres peuples, spécialement ceux de l'Afrique centrale, exige que le mandataire y assume l'administration du territoire à des conditions qui garantiront, avec la prohibition d'abus, tels que la traite des esclaves, le trafic des armes et celui de l'alcool, la liberté de conscience et de religion, sans autres limitations que celles que peut imposer le maintien de l'ordre public et des mœurs, et l'interdiction d'établir des fortifications ou des bases militaires ou navales et de donner aux indigènes une instruction militaire, si ce n'est pour la police ou la défense du territoire, et qui assureront également aux autres membres de la Société des Nations des conditions d'égalité pour les échanges et le commerce.

Enfin, il y a des territoires, tels que le Sud-Ouest africain et certaines îles du Pacifique austral qui, par suite de la faible densité de leur population, de leur superficie restreinte, de leur éloignement des centres de civilisation, de contiguïté géographique à l'État mandataire, ou d'autres circonstances, ne sauraient être mieux administrés que sous les lois de l'État mandataire, comme une partie intégrante de cet État, sous réserve des garanties prévues plus haut dans l'intérêt de la population indigène.

Dans tous les cas, l'État mandataire devra envoyer à la Société des Nations un rapport annuel concernant les territoires commis à sa charge.

Si le degré d'autorité, de contrôle ou d'administration à exercer

par l'État mandataire n'a pas fait l'objet d'une convention antérieure entre les Hautes Parties Contractantes, il sera expressément déterminé par le Conseil exécutif dans un acte spécial ou une charte particulière.

Les Hautes Parties Contractantes sont d'accord pour instituer au siège de la Société une Commission chargée de recevoir et d'examiner les rapports annuels des Puissances mandataires et d'aider la Société à l'observation des stipulations de tous les mandats.

#### ARTICLE XX.

Les Hautes Parties Contractantes s'efforceront d'établir et maintenir des conditions de travail équitables et humaines pour l'homme, la femme et l'enfant, tant sur leurs territoires que sur ceux auxquels s'étendent leurs relations de commerce et d'industrie.

A cet effet, elles sont d'accord pour instituer un Bureau permanent du Travail, qui formera partie intégrante de l'organisation de la Société.

#### ARTICLE XXI.

Les Hautes Parties Contractantes sont d'accord pour déclarer que des dispositions seront prises, par l'entremise de la Société, pour garantir et maintenir la liberté du transit et l'équitable traitement du commerce de tous les États membres de la Société. Elles entendent notamment que des arrangements spéciaux peuvent être pris pour répondre aux besoins des régions dévastées pendant la guerre de 1914-1918.

#### ARTICLE XXII.

Les Hautes Parties Contractantes conviennent de placer sous le contrôle de la Société tous les Bureaux internationaux antérieurement établis par traités collectifs, si les Parties à ces traités y consentent. En outre, elles conviennent que tous ceux qui se créeront ultérieurement seront placés sous le contrôle de la Société.

#### ARTICLE XXIII.

Les Hautes Parties Contractantes conviennent que tout traité ou engagement international, que viendrait à conclure un État membre de la Société, sera immédiatement enregistré par le Secrétaire général, qui le publiera aussitôt que possible: nul traité, nul engagement international ne sera obligatoire avant cet enregistrement.

#### ARTICLE XXIV.

L'Assemblée des Délégués aura le droit, de temps à autre, d'inviter les États membres de la Société à procéder à un nouvel examen des traités devenus inapplicables et des conditions internationales dont le maintien pourrait mettre en péril la Paix du monde.

## ARTICLE XXV.

Les Hautes Parties Contractantes conviennent respectivement que, par le présent Pacte, elles entendent abroger toutes obligations *inter se* qui sont incompatibles avec ses termes. Elles s'engagent solennellement à ne pas conclure, par la suite, de contrat incompatible avec les termes du Pacte.

Au cas où une Puissance, signataire dès l'origine, ou ultérieurement entrée dans la Société, aurait, avant de devenir Partie au présent Pacte, assumé des obligations incompatibles avec ses termes, elle aura le devoir de prendre immédiatement les mesures de nature à la dégager de ses obligations.

## ARTICLE XXVI.

Les amendements au présent Pacte entreront en vigueur après ratification par les États dont les Représentants composent le Conseil exécutif et par les trois quarts des États de ceux dont les Représentants composent l'Assemblée des Délégués.

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PROCÈS-VERBAL NO. II.

SÉANCE DU 22 MARS 1919

La 11<sup>e</sup> séance est ouverte à 15 heures, à l'Hôtel Crillon, sous la présidence du Président des États-Unis.

Sont présents :

Le Président des États-Unis et le Colonel House (*États-Unis d'Amérique*) ; Lord Robert Cecil (*Empire Britannique*) ; MM. Léon Bourgeois et Larnaudé (*France*) ; MM. Orlando et Scialoja (*Italie*) ; Le Baron Makino et le Vicomte Chinda (*Japon*) ; M. Hymans (*Belgique*) ; M. Epitacio Pessoa (*Brésil*) ; M. Wellington Koo (*Chine*) ; M. Veniselos (*Grèce*) ; M. Dmowski (*Pologne*) ; M. Jayme Batalha Reis (*Portugal*) ; M. Diamandy (*Roumanie*) ; M. Vesnitch (*Serbie*) ; M. Kramar (*République Tchéco-Slovaque*).

Le Président ouvre la séance qui sera consacrée à examiner les amendements au Projet de Pacte présentés soit des États alliés, soit des États neutres.

Lord Robert Cecil (*Empire britannique*) fait remarquer que les amendements neutres ne pourront être mis en discussion que si l'un des membres de la Commission les prend à sa charge.

M. Léon Bourgeois (*France*) se rallie à cette procédure, car la Conférence étant réunie entre Alliés ne peut entrer en conversation directe avec les Puissances neutres. Mais chacun des membres de la Commission pourrait prendre à son compte les propositions neutres qui lui paraîtraient intéressantes.

M. Larnaudé (*France*) fait remarquer que certains amendements,

notamment ceux de la Norvège et de la Suisse, se rattachent à un ordre d'idées qui dénaturerait complètement le Projet en donnant à l'Assemblée des Délégués un rôle qu'elle n'a pas dans le Pacte.

La procédure proposée par Lord Robert Cecil (*Empire britannique*) est adoptée, et l'on passe à l'examen du Pacte article par article.

#### PRÉAMBULE.

Lord Robert Cecil (*Empire britannique*) constate que les Alliés sont d'accord pour insérer le Pacte dans les Préliminaires de Paix. Mais, en ce cas, on doit trouver un système pour que l'Allemagne ne devienne pas, par ce fait, un membre de la Société des Nations. Le moyen le plus simple pour atteindre ce résultat est de changer l'expression "les signataires" par celle "les H. P. C." et d'inscrire ensuite dans le cours du texte "les États membres de la Société."

#### ARTICLE I.

M. Larnaude (*France*) estime que le mot "sessions" employé pour désigner les réunions du Conseil exécutif est un terme qui peut prêter à confusion car on l'emploie surtout quand il s'agit d'une Assemblée qui se réunit périodiquement à intervalles assez grands. Le rôle du Conseil exécutif est tout autre, et il peut lui arriver si les circonstances l'exigent, de se réunir fréquemment et d'une façon presque permanente. Il serait donc préférable de ne pas parler à son sujet de "sessions" ainsi qu'on le fait pour l'Assemblée des Délégués.

Le Président propose de supprimer partout le mot "session."  
Adopté.

#### ARTICLE II.

Lord Robert Cecil (*Empire britannique*) propose que le nombre des représentants de chaque État à l'Assemblée puisse être porté "à cinq."

Sur les observations de MM. Vesnitch (*Serbie*), Hymans (*Belgique*) et du baron Makino (*Japon*), il retire sa proposition.

Lord Robert Cecil (*Empire britannique*) propose, afin de bien montrer que l'Assemblée des Délégués a un caractère suffisamment démocratique, d'ajouter à cet article les mots suivants: "les comptes rendus de l'Assemblée des Délégués seront publics, à moins d'une décision contraire." La raison de cet amendement est que l'autorité de l'Assemblée dépendra de l'appui que lui donnera l'opinion publique. Or, cet appui ne peut être obtenu que si l'on prévoit une certaine publicité donnée aux délibérations.

MM. Hymans (*Belgique*) et Larnaude (*France*) sont d'avis de donner de la publicité aux séances par des comptes rendus, mais sont opposés à l'admission du public à ces séances mêmes. En effet, l'admission du public aux réunions modifie complètement le carac-

tère de la discussion et n'est pas de nature à faciliter la rapidité des délibérations. Notamment pour régler certaines contestations générales, l'Assemblée ne pourra pas siéger en public.

M. Léon Bourgeois (*France*) fait une distinction entre la publicité des séances et la publicité des actes. Celles des séances peut présenter de très grands inconvénients, car on peut avoir à discuter des matières délicates de nature à troubler la Paix par le seul fait qu'on connaît les prétentions contraires des Parties en présence. Ce qui importe à la démocratie, c'est qu'il ne soit pas fait de diplomatie secrète, en ce sens que la résolution prise doit toujours être connue. Les séances ne doivent donc pas être publiques, mais les procès-verbaux relatant les décisions doivent l'être, ainsi que tous les actes émanant d'une délibération de l'Assemblée.

M. Larnauze (*France*) fait remarquer que le but du Pacte n'est pas de copier l'organisation constitutionnelle d'un État, puisque précisément on a voulu éviter la conception du Sur-État. Il faut éviter de reproduire servilement les règles qui gouvernent le Pouvoir législatif, le Pouvoir exécutif, le Pouvoir judiciaire d'un État moderne. Le seul but à atteindre est de créer des organismes de nature à éviter la guerre et de leur donner les règles les plus efficaces de fonctionnement pour atteindre ce résultat.

M. Diamandy (*Roumanie*) propose d'adopter le procédé appliqué à la Commission et qui consiste à faire un communiqué à la Presse après chaque séance.

M. Kramar (*République tchéco-slovaque*) est d'avis que la publicité telle que l'entend la Norvège, constitue un grave danger lorsqu'il s'agira de conciliation et de paix.

M. Orlando (*Italie*) s'abstiendra sur cette question et tient à expliquer son attitude. Il a fait remarquer que plusieurs matières assez importantes n'étaient pas traitées dans le Pacte; on lui a répondu que la Société aurait à faire elle-même beaucoup de règlements pour combler les lacunes. Cette réponse lui a paru très justifiée et il demande qu'elle soit appliquée à la présente circonstance. Le devoir de la Commission est d'agir vite, et le plus pratique sera de s'en rapporter à l'expérience de la Société pour réglementer la publicité des séances et des décisions.

M. Hymans (*Belgique*) se rallie aux vues de M. Orlando.

Lord Robert Cecil (*Empire britannique*) retire son amendement.

### ARTICLE III.

Lord Robert Cecil (*Empire britannique*) propose d'ajouter dans le premier paragraphe les mots: "dans ce but, les Représentants des États qui ont une représentation permanente dans le Conseil exécutif ne voteront pas."

Le Président suggère une variante dans cet amendement: "les Représentants des États, représentés d'une façon permanente dans le

Conseil exécutif, ne participeront pas à la sélection des 4 autres membres."

M. Diamandy (*Roumanie*) fait observer que la question est de savoir si les 4 Représentants des Petites Puissances seront désignés par l'ensemble de ces Puissances, ou bien avec le concours des Grandes Puissances.

M. Hymans (*Belgique*) avait proposé un amendement qui prévoyait un système différent: "le Conseil exécutif se compose de 9 membres élus dans son sein par l'Assemblée des Délégués. Ils seront tous citoyens d'États différents parmi lesquels figureront nécessairement cinq représentants, des États-Unis, de l'Empire britannique, de la France, de l'Italie et du Japon."

Après un échange de vues entre MM. Vesnitch (*Serbie*); Dmowski (*Pologne*); Hymans (*Belgique*); Jayme Batalha Reis (*Portugal*) et Orlando (*Italie*) les amendements relatifs au paragraphe de l'article 3 ne sont pas maintenus.

Lord Robert Cecil (*Empire britannique*) propose d'ajouter un second paragraphe à l'article 3 ainsi conçu: "le Conseil exécutif pourra, si la majorité de l'Assemblée des Délégués le sanctionne, nommer par co-optation au Conseil exécutif les représentants d'autres États que ceux ci-dessus visés."

Cet amendement est adopté sauf rédaction.

M. Léon Bourgeois (*France*) donne lecture de l'ancien paragraphe 2 de l'article 3 où sont prévues les réunions du Conseil exécutif. Il lui semble utile de prévoir le cas où le Conseil exécutif devrait être réuni d'urgence sur convocation adressée à chacun de ses membres par l'un des gouvernements représentés. Cela ne changerait rien au fond des choses et permettrait de ne pas perdre de temps si les circonstances l'exigeaient.

M. Scialoja (*Italie*) fait observer que cette disposition serait mieux à sa place à l'article XI. Il est décidé que l'amendement français sera examiné à l'occasion de la lecture de cet article.

M. Hymans (*Belgique*) croit qu'il serait utile d'établir une distinction entre la compétence du Conseil exécutif et celle de l'Assemblée des Délégués par l'introduction de deux amendements, l'un à l'article 2, l'autre à l'article 3.

Lord Robert Cecil (*Empire britannique*) répond que l'esprit du Pacte est d'éviter les distinctions trop nettes et qu'il paraît préférable de laisser au Conseil exécutif et à l'Assemblée des Délégués le soin d'établir ultérieurement les règlements qu'ils croiront convenables.

Le Président est heureux d'appuyer les vues de Lord Robert Cecil (*Empire britannique*) car il n'aimerait pas à penser qu'il existe une matière intéressant la paix du monde qui puisse se trouver exclue de la compétence de l'Assemblée des Délégués. La direction de la Société réside dans le Conseil exécutif, mais la liberté de la

discussion appartient à l'Assemblée des Délégués, Ainsi l'opinion sera instruite des affaires qui la concernent.

M. Hymans (*Belgique*) se rallie aux vues du Président et estime qu'il vaut mieux s'en rapporter à l'expérience pour déterminer la compétence respective des deux organismes.

Lord Robert Cecil (*Empire britannique*) propose, afin d'éviter une certaine ambiguïté à la fin de l'article 3, d'ajouter un paragraphe ainsi conçu :

"Une invitation d'assister à la réunion du Conseil exécutif en qualité de membre, sera adressée à toute Puissance pour laquelle toute question affectant directement ses intérêts serait mise en discussion."

Après un échange de vues entre le Président et M. Orlando (*Italie*) l'amendement est adopté.

#### ARTICLE IV.

Lord Robert Cecil (*Empire britannique*) demande qu'il soit clairement dit, bien que cela ne fasse aucun doute pour la Commission, que le principe de l'unanimité est à la base du Pacte. Il suggère en conséquence d'ajouter, après le paragraphe premier de l'article 4, les mots suivants :

"Sauf dans le cas où il en aurait été autrement décidé en termes exprès dans le présent Pacte, les décisions de l'Assemblée des Délégués et du Conseil exécutif doivent être prises avec le consentement de tous les États représentés."

Adopté.

M. Batalha Reis (*Portugal*) fait observer que le second alinéa de l'article 4 établit une règle générale et que le premier alinéa vise une exception à cette règle. Il semble que pour la bonne rédaction du texte il y aurait lieu de mettre dans un même paragraphe toutes les exceptions.

M. Léon Bourgeois (*France*) rappelle que dans les discussions qui viennent d'avoir lieu à Londres entre les Associations des différents pays alliés, la question de l'unanimité a été examinée et que des vœux ont été émis en vue de rechercher s'il ne serait pas possible de faire appel en certains cas à la majorité, de telle sorte que le vote d'un petit nombre de puissances ne puisse pas entraver le fonctionnement de la Société elle-même. Un vœu dans ce sens a été émis par les Délégations anglaise et américaine.

M. Veniselos (*Grèce*) se propose de soumettre un amendement à cet égard lorsque l'article 15 viendra en discussion.

La question est réservée.

#### ARTICLE V.

Le Président donne lecture d'une lettre qui lui est personnellement adressée et dans laquelle M. Calonder, chef du Département

Politique de la Confédération helvétique, propose la Ville de Genève comme siège de la Société des Nations.

M. Hymans (*Belgique*) fait la déclaration suivante :

J'ai, dans une précédente séance, exprimé le vœu que la Ville de Bruxelles fût choisie pour capitale et M. le Président Wilson a bien voulu accueillir ce vœu avec sympathie.

J'estime qu'il est de mon devoir de le renouveler aujourd'hui. Le Gouvernement belge a fait une démarche officielle auprès des Puissances alliées et associées et m'a chargé de renouveler nos instances. Il est appuyé par toute l'opinion publique belge.

Le choix du pays où sera fixé le siège de la Société des Nations sera pour ce pays un inestimable honneur et la Belgique croit avoir des titres à le réclamer et aspire à cette compensation morale.

En toute hypothèse, la désignation d'un pays neutre, quel qu'il soit, qui n'a pas participé aux efforts et aux sacrifices de la guerre, qui n'a rien fait pour assurer le triomphe du droit, causerait à la nation belge un profond désappointement et provoquerait en Belgique d'unanimes et vives protestations dont souffrirait le prestige de la Société des Nations, vers laquelle se tournent tant d'espérances.

Bruxelles est un grand centre de vie intellectuelle et juridique avec lequel, au point de vue géographique, les communications sont faciles et rapides.

Enfin la Belgique a été l'emblème pendant la guerre de la cause du Droit et a rendu à cette cause sacrée des services qui lui ont valu l'estime du monde.

Tels sont les motifs qui justifient notre demande.

Je me permets d'y appeler la plus bienveillante attention de tous les pays alliés et associés.

Le Président indique qu'il a reçu il y a quelque temps une communication du bourgmestre de Bruxelles en vue d'offrir à la Société des Nations un Palais historique; il ne croit pas nécessaire de la soumettre à la Commission puisque maintenant la question est posée en termes officiels par M. Hymans (*Belgique*). D'une façon générale, il paraît désirable de soustraire la Société à l'influence des événements actuels et de nous tenir à l'écart de tout état d'esprit qui puisse nous conduire de nouveau sur les voies d'où nous sortons.

M. Larnaudé (*France*) estime que la Commission peut soumettre à cet égard une proposition à la Conférence de la Paix, mais qu'elle n'est pas compétente pour prendre une décision.

La question soulevée par M. Calonder est très importante puisqu'elle pose celle de la neutralité suisse, et il s'agit de savoir si l'on peut admettre dans la Société des Nations un État perpétuellement neutre.

M. Bourgeois (*France*) estime que la question doit être posée aux Gouvernements eux-mêmes, mais qu'il est possible de nommer une Commission spéciale pour l'étudier.

Le Président décide de désigner une Commission de quatre Membres, pour étudier la question du siège de la Société.

Lord Robert Cecil (*Empire britannique*) propose, afin de permettre à la Ligue de fonctionner aussitôt que possible, d'ajouter au second paragraphe, le texte suivant :

Le premier Secrétaire général sera la personne désignée dans le Protocole annexé, et son successeur sera choisi par l'Assemblée des Délégués sur la proposition du Conseil Exécutif.

Cet amendement est adopté.

#### ARTICLE VI.

M. Larnaude (*France*) demande la suppression du mot "Ex-territorialité" qui peut donner lieu à des difficultés d'interprétation et qui rappelle l'époque où il y avait le droit d'asile dans la maison du Consul et de l'Ambassadeur. Cette idée est abandonnée par le droit moderne et il est préférable d'employer le mot "inviolabilité."

Lord Robert Cecil (*Empire britannique*) déclare qu'au point de vue anglais l'expression "exterritorialité" est correcte.

Le Président renvoie au Comité de rédaction le soin d'adopter l'expression la meilleure.

#### ARTICLE VII.

Lord Robert Cecil (*Empire britannique*) désire proposer un amendement qui a pour but de faire bon accueil aux nouveaux adhérents plutôt que de leur imposer un scrutin trop rigoureux.

C'est dans cet esprit que la nouvelle rédaction de l'article a été légèrement modifiée dans sa forme.

Le Président demande s'il y aurait une objection à changer la majorité des deux tiers de l'Assemblée des Délégués requise pour l'admission d'un nouveau membre en simple majorité. L'entrée dans la Société serait ainsi facilitée.

M. Jayme Batalha Reis (*Portugal*) fait remarquer que seuls les États alliés feront partie de la Société au début, et que les autres États devront être invités pour en faire partie.

M. Larnaude (*France*) rappelle que Lord Robert Cecil (*Empire britannique*) a exprimé l'avis général de la Commission en faisant une distinction entre les Neutres qui seraient immédiatement admis à faire partie de la Société, et les États qui ne seraient admis que postérieurement après avoir rempli les conditions exigées dans l'article 7.

M. Hymans (*Belgique*) fait observer que l'idée primitive était d'inscrire le nom des Neutres invités sur un protocole qui n'aurait d'effet qu'après la Paix et que les membres fondateurs de la Société seraient exclusivement ceux qui ont constitué le Pacte.

Lord Robert Cecil (*Empire britannique*) est d'avis que tous

les États ne doivent pas être admis immédiatement dans la Société, mais que certains d'entre eux sont dignes d'être admis au moment même de la fondation, et que le protocole peut avoir un effet après la signature du Traité de Paix et avant sa ratification.

M. Léon Bourgeois (*France*) fait observer que cette discussion soulève la question de savoir à quel moment le Pacte de la Société des Nations sera incorporé dans le Traité de Paix. Sera-ce au moment de la signature ou au moment de la ratification? Il demande à en référer à son Gouvernement avant de se prononcer sur ce point.

M. Jayme Batalha Reis (*Portugal*) fait les mêmes réserves que M. Léon Bourgeois.

Lord Robert Cecil (*Empire britannique*) constate qu'il s'agit d'une question de pure forme et que la Conférence peut agir comme il lui plaît en ce qui concerne le Protocole: elle peut y insérer tous les Neutres, quelques Neutres, ou pas de Neutres du tout.

M. Hymans (*Belgique*) fait observer que l'expression "membre originel" n'est pas conforme à la réalité. Ceux qui créent la Société sont ceux qui ont fait la guerre et qui ont restauré le droit. Il importe de garder pour eux l'honneur d'avoir fondé la Société des Nations. Quant aux Neutres, nous ne demandons qu'à vivre en bonne amitié avec eux. Mais il est équitable de ne les admettre que postérieurement à la fondation même de la Société par les Alliés.

Le Président fait remarquer qu'il faut éviter de donner à la Société l'aspect d'une Alliance entre les belligérants victorieux. Cette conception nous amènerait à être d'une sévérité excessive pour l'admission des nouveaux venus.

Lord Robert Cecil (*Empire britannique*) est d'avis qu'il faut élargir autant que possible la conception de la Société des Nations, y admettre au plus tôt les Nations désirables et ne pas donner l'impression qu'on maintient simplement l'alliance établie pendant la guerre.

M. Hymans (*Belgique*) est également d'avis qu'il y a lieu d'admettre le plus tôt possible certains Neutres dans la Société, mais il n'est pas possible de les y faire entrer au moment même de la signature du Traité de Paix, et le Protocole qu'il y a lieu de dresser ne peut avoir son effet que postérieurement à cette signature.

M. Jayme Batalha Reis (*Portugal*) appuie l'opinion de M. Hymans car seuls ceux qui ont fait la guerre ont le pouvoir d'établir une paix durable.

M. Léon Bourgeois (*France*) rappelle qu'il lui avait toujours paru nécessaire d'envisager trois étapes dans la constitution de la Société. Au début, entre les Alliés seuls, se forme une Société pour la défense du droit et le maintien de la Paix. Nous la concevons d'une façon très large et sommes prêts à l'ouvrir à ceux qui offrent les garanties nécessaires. Mais la question est de savoir à quel moment il faut les appeler. Si le pacte doit être incorporé dans le Traité

de Paix, il faut remarquer qu'aucun Neutre ne peut prendre part à la signature de ce Traité. Dans ce Traité, nous imposons certaines conditions à nos ennemis, telles que le désarmement, et nous ne les imposons nullement aux Neutres. Il y a donc nécessité d'envisager un second stade dans lequel les fondateurs de la Société appellent certains Neutres à y participer. Il sera raisonnable à ce moment de reprendre les conversations commencées officieusement ces jours-ci, et d'obtenir l'adhésion générale des Neutres après un examen consciencieux. C'est à ce moment que les non-belligérants pourraient être admis sur un pied d'égalité dans la Société. Enfin le troisième stade s'appliquerait à l'admission éventuelle des Nations soumises à la nécessité d'obtenir un vote favorable des deux tiers. Pour le moment il paraît difficile d'admettre d'emblée les Neutres au Pacte que nous formulons et de les mettre sur le même pied que les Alliés dans un Traité de Paix qu'ils ne peuvent pas signer.

M. Vesnitch (*Serbie*) est d'avis qu'il faut distinguer, d'une part, le Traité de Paix à signer, d'autre part, la nouvelle création que la Commission s'efforce de réaliser. Il croit que l'on répond à l'idée fondamentale de la Société des Nations en ouvrant ses portes aussi grandes que possible et il partage à cet égard l'opinion du Président et de Lord Robert Cecil. Il paraît bon d'associer les neutres à cette œuvre aussitôt que possible, et il y a lieu de les admettre sur un pied d'égalité. Personne dans l'histoire n'ignorera que c'est grâce aux Alliés qui ont gagné la guerre qu'à été fondée la Société des Nations.

M. Orlando (*Italie*) a tellement le sentiment de l'urgence d'une solution, qu'il croit préférable de faire une œuvre imparfaite plutôt que d'ajourner le résultat longtemps attendu. Il n'y a d'ailleurs aucune divergence sérieuse de vues sur le sujet qui occupe la Commission. La question est de savoir s'il existera un instant appréciable pendant lequel la Société sera formée par les belligérants victorieux. Avec l'ancien texte de l'article 7 cet instant existait. Avec le nouveau texte, la Société comprend les neutres dès sa formation. Cette différence n'a pas grande importance, mais il paraît préférable de faire naître la Société en lui donnant la plus large base possible.

Après un échange d'observations entre MM. Hymans (*Belgique*), Kramar (*République tchéco-slovaque*), Léon Bourgeois (*France*), Diamandy (*Roumanie*) il est entendu que cette question sera mise au point, soit par le Comité de rédaction, soit quand on rédigera le Protocole. Quant à l'amendement ayant pour objet de réduire le vote des deux tiers à la simple majorité, il n'est pas pris en considération.

#### ARTICLE VIII.

Lord Robert Cecil (*Empire britannique*) propose d'ajouter à la fin de la première phrase les mots: "pour la considération et l'action des divers gouvernements."

Il y aurait lieu ensuite d'effacer les mots suivants du paragraphe jusqu'aux mots : "ses limites, une fois adoptées."

Le Baron Makino (*Japon*) propose d'ajouter après les mots : "établir un plan de cette réduction," les mots "en soumettant cette revision à un nouvel examen au moins tous les dix ans."

Cet amendement est adopté.

Lord Robert Cecil (*Empire britannique*) propose de modifier ainsi le dernier paragraphe :

"Les États membres de la Société s'engagent à échanger d'une façon complète et loyale leurs informations quant à l'échelle de leurs armements, à leur programme militaire et naval ainsi qu'à leurs industries capables d'être adaptées à des buts de guerre."

Il espère que cette rédaction est conforme aux suggestions présentées par M. Léon Bourgeois.

M. Léon Bourgeois (*France*) donne lecture de son amendement.

"Les Hautes Parties Contractantes résolues à se donner franche et pleine connaissance mutuelle de l'échelle de leurs armements et de leur programme militaire et naval, ainsi que des conditions de leurs industries susceptibles de s'adapter à la guerre, institueront une Commission chargée des constatations nécessaires."

Il fait remarquer que cet amendement, repoussé en seconde lecture, a été étudié par les Associations des Nations alliées réunies à Londres, notamment des associations anglaises et américaines, qui l'ont adopté à l'unanimité. Dans cette proposition il n'y a rien qui puisse porter atteinte à la souveraineté ou à la dignité d'aucun État et le Gouvernement français insiste en faveur de son adoption. En effet, il pourra se rencontrer dans la Société des Nations des États de bonne foi et des États de mauvaise foi.

Si l'on supprime toute vérification des armements, on encourage par là même ces derniers et l'on expose la paix du monde à être facilement troublée. Quant à la forme à donner à la vérification, elle peut être déterminée de telle façon qu'aucune susceptibilité ne puisse s'émouvoir : ce qu'il importe c'est d'admettre le principe de la vérification.

M. Veniselos (*Grèce*) demande si M. Léon Bourgeois aurait satisfaction en substituant au mot : "institueront une Commission chargée des constatations nécessaires" les mots suivants : "autorise le Conseil exécutif à procéder aux constatations nécessaires."

M. Larnaude (*France*) se rallie à l'idée de M. Veniselos à la condition qu'il soit bien spécifié que le Conseil exécutif aura toute possibilité de faire les constatations qui, dans la pensée de l'amendement français, sont réservées à une Commission technique.

M. Léon Bourgeois (*France*) remercie M. Veniselos d'avoir bien voulu essayer de trouver une rédaction de conciliation, mais il estime

qu'il ne faut pas s'en rapporter simplement à la déclaration des différents États. Ce qui importe, c'est que le droit de vérification soit inscrit dans le Pacte lui-même afin que les nations de mauvaise foi ne puissent pas soutenir qu'on n'a pas le droit de vérifier leurs armements, et pour qu'elles ne puissent pas se préparer en secret.

Que la vérification soit faite par le Conseil exécutif lui-même ou par une Délégation du Conseil exécutif, peu importe; pourvu qu'elle soit faite, et que le principe en soit nettement établi.

Le Président craint que les visites d'une Commission analogue à celle qui est prévue dans l'amendement français pour examiner si les Nations tiennent ou non leurs engagements, ne soient mal vues dans beaucoup de pays. Pareil procédé ne peut être comparé à ce qui aurait lieu à l'intérieur d'un État. Si nous avions affaire à une Union d'États avec une législature commune, nous pourrions envisager un tel mécanisme: mais, notre idée constante a été d'écarter la conception du Super-État et, dans ces conditions, il paraît difficile d'opérer certaines constatations à l'intérieur des Nations associées.

M. Veniselos (*Grèce*) demande si le Président admet que le Conseil exécutif a le droit de s'adresser à un Gouvernement qui n'observe pas ses engagements sur la limitation des armements et de lui rappeler la règle établie.

Le Président répond affirmativement.

M. Veniselos (*Grèce*) considère que cette réponse lui permet de proposer de nouveau la phrase suivante: "autorise le Conseil exécutif à procéder aux constatations nécessaires." Cette rédaction permettrait au Conseil exécutif, dans le cas où un Attaché militaire apprendrait qu'un État a violé ses engagements, de prendre des mesures en conséquence.

Le Président estime que le texte actuel permet au Conseil exécutif d'agir ainsi.

M. Larnaude (*France*) précise que la vérification qu'il s'agit d'instituer vise expressément les armements et les fabrications de munitions. La vérification accidentelle du Conseil exécutif peut intervenir trop tard. Ce qui est demandé c'est une vérification régulière, méthodique et permanente. Il faut faire tout le possible pour éviter l'élément de surprise dont on a cité un exemple, en disant que l'armée française s'était trouvée, à Charleroi, en présence d'un nombre de corps d'armée beaucoup plus considérable que celui qui était prévu d'après les statistiques officielles de l'armée allemande. Les Allemands se sont également servi de liquides enflammés, de canons de 420 et de plusieurs autres engins analogues qui avaient été préparés dans le plus grand secret. Les attachés militaires n'ont pas pu pénétrer ce secret de guerre et peut-être en eut-il été autrement s'ils avaient été armés d'un pouvoir officiel de vérification. Il y a donc lieu de maintenir énergiquement la nécessité du droit de vérification si l'on ne veut pas être dupe des nations de mauvaise foi.

M. Léon Bourgeois (*France*) proteste contre le conseil qui a

été donné de pénétrer les intentions des nations associées par l'espionnage et la corruption : il faut rechercher des modalités de contrôle plus honorables pour la future Société des Nations. S'il arrivait que cette Société soit surprise par les événements et qu'une nation de mauvaise foi en attaque une autre avec succès, la Société serait considérée comme ayant fait faillite. Il vaut mieux prémunir que réprimer et il est préférable d'ôter aux nations la tentation même de violer le Pacte, en instituant un contrôle efficace.

M. Kramar (*République tchéco-slovaque*) est d'avis qu'il faut surtout contrôler les fabriques allemandes. Il ne suppose pas qu'il entre dans l'idée des Délégués français de contrôler les fabriques américaines, italiennes et anglaises. Le contrôle rigoureux de l'Allemagne sera la meilleure garantie de sécurité pour la Société des Nations.

M. Veniselos (*Grèce*) fait observer que si M. le Président Wilson estime qu'une adjonction, même sous la forme atténuée qu'il a posée, peut être considérée comme inacceptable par l'opinion publique américaine, il est préférable de renoncer à cette adjonction afin de ne pas compromettre l'œuvre tout entière.

Il comprend d'autre part l'intérêt que l'opinion française attache à l'amendement proposé : mais il rappelle que le dernier paragraphe de l'article 7 exige, pour l'admission de nouveaux États, la majorité des deux tiers et l'acceptation de toutes les conditions imposées par la Ligue. Au moment où se poserait la question de l'entrée de l'Allemagne, on pourrait donc lui imposer toutes les conditions nécessitées par sa conduite pendant la guerre et par son peu de respect pour les traités.

M. Léon Bourgeois (*France*) maintient son amendement, ainsi que la possibilité de le présenter de nouveau en séance plénière de la Conférence.

La prochaine séance est fixée au lundi 24 mars, à 20 heures 30.

La séance est levée à 19 heures 30.

## PROCÈS-VERBAL NO. 12.

SÉANCE DU 24 MARS 1919

La douzième séance est ouverte, à 20 heures 30, à l'hôtel Crillon, sous la présidence du Président des États-Unis.

*Sont présents :*

Le Président des États-Unis et le Colonel House (*États-Unis d'Amérique*) : Lord Robert Cecil et le Général Smuts (*Empire Britannique*) ; MM. Léon Bourgeois et Larnaude (*France*) ; MM. Orlando et Scialoja (*Italie*) ; le Baron Makino et le Vicomte Chinda (*Japon*) ; M. Hymans (*Belgique*) ; M. Epitacio Pessoa (*Brésil*) ; M. Wellington Koo (*Chine*) ; M. Dmowski (*Pologne*) ; M. Jayme

Batalha Reis (*Portugal*) ; M. Diamandy (*Roumanie*) ; M. Vesnitch (*Serbie*) ; M. Kramar (*République Tchéco-Slovaque*).

Le Président des États-Unis donne lecture d'une lettre du Conseil international des Femmes demandant à être entendues par la Commission sur des points importants pour l'avenir des revendications féminines. Après examen de cette demande, il est convenu que la Commission entendra la Délégation du Conseil international des Femmes à l'avant-dernière séance.

M. Léon Bourgeois (*France*) rappelle qu'il a déposé un amendement (*Voir l'ANNEXE*) destiné à prévoir et préparer les opérations militaires ou navales et à en assurer une exécution rapide et efficace. Il croit nécessaire de donner de nouvelles explications à cet égard en raison des informations que la presse a données au sujet de l'amendement français. On a dit qu'il était question de créer une force internationale permanente sur les frontières de la France et des pays particulièrement menacés : cette interprétation est complètement inexacte. On a dit aussi que l'organisme permanent qu'il s'agit de constituer aurait le pouvoir propre de décision. Cette affirmation est encore une erreur, car le Comité exécutif de qui dépend cet organisme peut seul lui donner des instructions et des ordres lorsqu'un danger menace la paix.

La pensée véritable qui inspire l'amendement français est de donner au Conseil exécutif les informations suffisantes ainsi qu'un programme d'actions méthodique et réfléchi au point de vue militaire et naval, de façon que, si un danger imprévu se produit, si une attaque brusquée est déclenchée, le Conseil exécutif soit en mesure de prendre des décisions immédiates en s'appuyant sur la documentation de l'organisme permanent. Il ne s'agit pas seulement de protéger la frontière française, mais toutes les frontières qui peuvent se trouver dans une position géographique délicate. Les précautions qu'il s'agit de prendre intéressent donc au même titre toutes les nations pacifiques.

Le mécanisme que nous prévoyons est le suivant : l'organisme permanent se borne à préparer le dossier des affaires militaires et navales de façon à ce que, en cas de nécessité, chacun des Gouvernements, dans sa souveraineté, puisse saisir aussitôt ses autorités constitutionnelles et leur soumettre un plan précis pour répondre à une agression éventuelle ou à une menace caractérisée de guerre. Les Parlements ne peuvent en effet se prononcer sur des crédits à voter et sur l'ordre de mobilisation que si les Gouvernements responsables sont à même de leur fournir des précisions sur l'amplitude de l'action militaire qui est demandée à la Société des Nations. La proposition française, loin d'inquiéter les pouvoirs constitutionnels, est au contraire de nature à leur donner toutes les garanties nécessaires sur l'étendue de l'effort que chaque pays serait appelé à fournir. Ces explications ramènent à son sens précis la portée de

l'amendement français et répondent aux objections qu'il avait soulevées par suite d'une interprétation inexacte. Elles ont convaincu les associations alliées représentées à Londres, notamment les associations anglaises et américaines, qui ont adopté à l'unanimité le texte de l'amendement français.

Le Président des États-Unis a bien voulu visiter récemment les régions dévastées de la France et de la Belgique; c'est pour empêcher le retour d'une si terrible destruction qu'a été conçu l'amendement qui est proposé pour l'article 9. Il s'agit d'éviter l'élément de surprise qui a permis une pareille invasion et de donner à l'action de la Société des Nations le plus d'efficacité possible. Toute rédaction qui permettra d'atteindre réellement ce but sera acceptée par la Délégation française.

M. Larnaude (*France*) ne veut ajouter qu'un mot à l'exposé si complet du premier Délégué français. L'histoire montre que presque toutes les dernières guerres ont débuté par une attaque brusquée. Telle est la nécessité moderne, la guerre ne peut réussir que si elle est inattendue et foudroyante. Pour inspirer un sentiment de sécurité nécessaire aux populations envahies, pour leur permettre de réédifier leurs foyers et leurs industries, il faut leur donner la conviction que l'attaque dont elles ont été victimes ne peut pas se reproduire et que la Société des Nations apporte quelque chose de vraiment nouveau et d'efficace pour l'existence des peuples.

Le Président fait une remarque au sujet de la proposition française qu'il a lue très attentivement. L'article 9 du projet prévoit une Commission permanente destinée à donner à la Société des Nations son avis sur les questions militaires et navales: le Conseil exécutif est donc absolument libre d'ordonner à cette Commission toutes les études nécessaires. La France faisant partie du Conseil exécutif pourra, en cas de besoin, signaler le danger et réclamer l'établissement d'un plan ou la coordination qui lui paraîtrait indispensable. En effet, l'amendement de la Délégation française ne paraît pas ajouter un élément essentiel au texte actuel qui ne renferme aucune restriction sur la portée et la nature des avis que le Conseil exécutif peut demander à la Commission permanente: sa compétence n'est pas limitée et permet de répondre à toutes les préoccupations qu'a si bien exprimées M. Léon Bourgeois.

M. Léon Bourgeois (*France*) fait observer que, puisque l'on reconnaît que l'article 9 permet à la Commission d'apporter les études et les garanties qu'il réclame, il n'y aurait aucun inconvénient à employer une formule qui soit bien comprise par l'opinion publique. Le Conseil exécutif reste maître de la situation: mais il importe que des avis techniques soient demandés à l'avance aux experts des divers pays et que ceux-ci aient un rôle reconnu par le Pacte lui-même. S'ils forment un des rouages de la Société des Nations, ils apporteront à l'étude des questions militaires un esprit

de continuité qu'ils n'auraient pas, si leur rôle était moins clairement défini.

Le Président fait observer que toute définition est une limitation et qu'il est souvent préférable d'adopter une formule plus large, plus élastique qui permette de s'adapter à toutes les circonstances.

Lord Robert Cecil (*Empire britannique*) pense que le texte actuel de l'article 9 est déjà le résultat d'une transaction avec l'amendement français, et qu'il paraît difficile d'en modifier encore les termes.

M. Kramar (*Republique tchéco-slovaque*) ne voit aucune différence entre l'amendement français et le texte de l'article 9: on pourrait se borner à y ajouter une référence à l'article 7 et à remplacer le mot "Société" par les mots "Conseil exécutif"; le contrôle serait ainsi mieux précisé.

MM. Bourgeois et Larnaude (*France*) maintiennent le texte de l'amendement français qui leur paraît plus précis car dans un pareil sujet la précision est nécessaire.

M. Hymans (*Belgique*) propose d'accorder les deux opinions en ajoutant un texte ainsi conçu:

"La Commission permanente sera constituée pour donner au Conseil exécutif son avis sur l'exécution des prescriptions aux articles 7 et 8 et sur les moyens militaires et navals d'exécution des obligations que la présente Convention impose aux Hautes Parties Contractantes."

Il ajoute que si l'on joignait au Pacte un procès-verbal de la discussion, celui-ci constituerait un commentaire éclatant de la portée du texte.

M. Orlando (*Italie*) est d'avis qu'il est impossible de trouver une formule plus large que celle de l'article 9 et que l'amendement de M. Hymans ne pourrait que réduire la portée du texte. Le mot "organisme" signifie autre chose que "Commission": il implique l'idée d'une volonté autonome.

La Délégation française maintient son amendement.

#### ARTICLE X.

Le Président fait part de son intention de rédiger ultérieurement un amendement au sujet de l'article 10.

#### ARTICLE XI.

L'amendement japonais<sup>1</sup> est adopté (*Voir ANNEXE*).

M. Larnaude (*France*) propose d'insérer dans cet article un amendement qui avait été d'abord proposé par la Délégation fran-

<sup>1</sup> Error for "britannique."

gaise pour l'article 3, et qui a pour objet de permettre la convocation immédiate du Conseil exécutif en cas de nécessité. Ce texte qui constituerait le troisième alinéa de l'article II serait le suivant.

“En outre, en cas d'incident de nature à mettre en péril le maintien de la paix le Secrétaire général devra, sur la demande de l'un des Gouvernements associés, convoquer d'urgence le Conseil exécutif.”

Cet amendement est adopté.

#### ARTICLE XII.

M. Larnaude (*France*) propose un amendement (*Voir ANNEXE*) de façon à bien indiquer le devoir des membres de la Société et de soumettre d'abord leur différend éventuel à une enquête ou à un arbitrage. Après un échange de vues, cet amendement n'est pas maintenu.

Le Baron Makino (*Japon*) propose d'ajouter à la fin du deuxième alinéa les mots : “à partir du moment où le différend a été soumis au Conseil exécutif ou à un arbitrage et jusqu'à l'expiration dudit délai de trois mois, les Parties litigantes ne pourront procéder à des préparatifs militaires d'aucune espèce.” Cet amendement a pour objet de permettre à la Société d'étudier l'affaire qui lui est soumise sans être interrompue par aucune préparation militaire, de façon à ce qu'elle ait le temps de prendre en toute sécurité une décision.

Le Président suggère de faire de l'amendement japonais un article spécial qui prendrait provisoirement le n° 12 bis.

#### ARTICLE XIII.

Lord Robert Cecil (*Empire britannique*) donne lecture d'un amendement (*Voir ANNEXE*).

Le Président demande si la Commission ne juge pas nécessaire de procéder à la revision de ces textes de manière à montrer que les cas prévus de l'amendement anglais constituent seulement des exemples et que les membres de la Société peuvent recourir à l'arbitrage en bien d'autres cas (*Assentiment*).

A la suite d'un échange de vues entre M. Larnaude (*France*), Lord Robert Cecil (*Empire britannique*) et M. Vesnitch (*Serbie*), l'amendement de la Délégation anglaise est retiré.

M. Hymans (*Belgique*) propose une modification à l'article 13 (*Voir ANNEXE*).

Après un échange d'observations, l'amendement est retiré.

#### ARTICLE XIV.

M. Larnaude (*France*) donne lecture d'un amendement (*Voir ANNEXE*) dont l'objet est de préciser la compétence de la Cour per-

manente de justice et de lui confier notamment les questions relatives à l'interprétation du Pacte. La formule proposée est empruntée à la Constitution américaine où la Cour suprême est compétente pour se prononcer sur les difficultés d'ordre constitutionnel.

M. Orlando (*Italie*) estime que cette précision est dangereuse et qu'il est préférable de laisser au Conseil qui applique le Pacte la mission de résoudre les difficultés d'interprétation.

Lord Robert Cecil (*Empire britannique*) partage l'opinion de M. Orlando et croit qu'on pourrait supprimer le paragraphe B de l'amendement français.

Après un échange de vues entre MM. Léon Bourgeois (*France*), le Baron Makino (*Japon*) et Lord Robert Cecil (*Empire britannique*), l'amendement est retiré.

M. Hymans (*Belgique*) donne lecture d'un amendement destiné à former un nouvel article 14 *bis* (*Voir ANNEXE*). La Délégation belge estime qu'il y a dans la disposition proposée un moyen de renforcer l'arbitrage.

M. Orlando (*Italie*) propose que la Cour tranche la question visée par la Délégation belge, ce qui éviterait de créer le mécanisme d'un nouveau tribunal.

Lord Robert Cecil (*Empire britannique*) fait remarquer que le seul cas où s'appliquerait l'amendement belge serait celui où l'une des Parties consentirait à aller devant la Cour, tandis que l'autre s'y refuserait. Cette hypothèse peut soulever une question politique importante, qu'il serait délicat de faire trancher par l'arbitrage obligatoire.

M. Larnaude (*France*) est d'avis que si les deux Parties se sont mises d'accord sur un compromis, c'est qu'elles ont estimé que leur différend était de nature judiciaire.

Lord Robert Cecil (*Empire britannique*) fait observer qu'il y a les conventions générales d'arbitrage qui ne sont pas des compromis et l'amendement ne vise que les conventions.

Après un échange de vues entre MM. Orlando (*Italie*) et Hymans (*Belgique*) l'amendement est retiré.

#### ARTICLE XV.

Lord Robert Cecil (*Empire britannique*) donne lecture de son amendement (*Voir ANNEXE*) qui est renvoyé au Comité de rédaction. L'amendement grec proposé pour cet article est accepté.

Le Président des États-Unis propose un amendement (*Voir ANNEXE*) ayant pour but d'exclure d'un règlement international les questions qui ont été reconnues être du ressort de la Législation nationale de l'une des parties. Cet amendement est pris en considération et renvoyé au Comité de rédaction.

M. Hymans (*Belgique*) donne lecture d'un amendement au

procès-verbal 12 (*Voir ANNEXE*) et insiste sur le littoral dont le but est de permettre la conclusion des Conventions particulières par lesquelles certains États s'engagent à accepter les décisions rendues par la simple majorité du Conseil exécutif.

Le Président des États-Unis fait remarquer que cet amendement est conforme à l'esprit général du Pacte qui autorise les Conventions particulières de nature à renforcer les garanties données par la Société des Nations.

M. Hymans (*Belgique*) explique qu'il a cherché à permettre aux petits États de s'entendre pour accepter une décision rendue à la simple majorité: c'est une façon de diminuer les risques de guerre.

M. Orlando (*Italie*) fait observer que l'amendement belge se trouve en contradiction avec l'esprit du Pacte: un État ayant conclu une Convention avec un autre État pourrait se trouver à un moment donné, obligé de prendre part à une guerre que la Société des Nations engagerait contre cet État. Il y aurait donc conflit entre l'engagement général envers la Société des Nations, et l'engagement particulier avec un autre État.

Le Président fait observer qu'il a d'ailleurs été reconnu que les termes du Pacte permettent de conclure des Conventions particulières destinées à diminuer les risques de guerre.

M. Hymans (*Belgique*) prend acte de l'assurance donnée par le Président au sujet de la possibilité de conclure des Conventions particulières et estime que, dans ces conditions, le but de son amendement est suffisamment atteint sans qu'il soit nécessaire d'insérer un texte nouveau.

M. Wellington Koo (*Chine*) propose d'ajouter à la fin de l'amendement américain qui vient d'être accepté les mots "unless so desired."

L'amendement du Président complété par l'addition du Délégué chinois est pris en considération et renvoyé au Comité de rédaction.

Lord Robert Cecil (*Empire britannique*) donne lecture d'un article 15 *bis* proposé par la Délégation anglaise. (*Voir ANNEXE*).

Cet amendement qui permet de créer des Commissions de conciliation autorise les membres du Conseil exécutif, qui seront des hommes très occupés, à constituer à côté d'eux des Commissions composées d'hommes compétents auxquels ils renverront l'examen de tel ou tel cas. D'autre part, les pays neutres pourraient être désireux d'avoir affaire à des organes qui n'auraient aucun caractère politique et qui seraient composés par des juristes ou des magistrats.

Le Président fait observer que le Conseil exécutif a déjà le pouvoir de nommer de telles Commissions puisqu'il a le droit de suggérer des méthodes de conciliation. Si ce pouvoir est explicitement reconnu au Conseil exécutif.

Lord Robert Cecil (*Empire britannique*) n'insiste pas et reconnaît que l'objet de son amendement est atteint.

#### ARTICLE XVI.

Il est donné lecture de l'amendement français :

"Au cas où l'une des Parties contractantes ne se conformerait pas aux engagements pris par elle, en vertu des articles 8, 10, 12 et 15,<sup>1</sup> elle sera *ipso facto*....."

Lord Robert Cecil (*Empire britannique*) comprend l'utilité de la référence à l'article 15, mais trouve exagérée la référence à l'article 18<sup>2</sup> dont la seule obligation est un engagement d'échanger des informations : il est rigoureux de déclencher *ipso facto* les sanctions parce qu'un État n'a pas donné les renseignements voulus.

M. Bourgeois (*France*) admet l'objection en ce qui concerne la référence à l'article 8. Quant à la référence à l'article 13 il paraît certain que l'inexécution de la sentence du Conseil est un fait grave. Il n'y aura pas lieu cependant de prononcer nécessairement des mesures d'exécution, car il peut y avoir des possibilités matérielles d'exécution de la sentence, et l'on ne peut frapper un État qui n'aurait fait preuve d'aucune mauvaise volonté. C'est simplement le cas de refus qui serait considéré comme une violation du Pacte et c'est alors que nous proposerions l'application des sanctions.

Après un échange de vues entre Lord Robert Cecil (*Empire britannique*), M. Léon Bourgeois (*France*) et Le Président, l'amendement de la Délégation française est pris en considération, avec référence aux seuls articles 12 et 15.

L'amendement de la Délégation anglaise (*Voir ANNEXE*) est adopté.

La suite de la discussion est renvoyée au mercredi 26 mars, 15 heures.

La séance est levée à 23 heures.

#### ANNEXE AU PROCÈS-VERBAL NO. 12.

#### AMENDEMENTS AU PROJET DE PACTE

#### PROPOSÉS PAR LES PUISSANCES ALLIÉES ET ASSOCIÉES.

#### AMENDEMENTS

#### DE LA DÉLÉGATION DES ÉTATS-UNIS D'AMÉRIQUE.

Ajouter à l'article 15, le paragraphe suivant : "Si le différend entre les parties est reconnu par le Conseil exécutif ou par l'Assem-

<sup>1</sup> This should read "8, 12, 13 et 15."

<sup>2</sup> Error for "8."

blée des Délégués être une<sup>1</sup> question qui en droit public est du ressort exclusif de la juridiction législative nationale d'une des parties, le Conseil exécutif ou l'Assemblée des Délégués, devra déposer un rapport en ce sens, et ne devra faire aucune recommandation relative au règlement du différend.

*Ajouter à l'article 24, le paragraphe suivant:* "A la fin de la période de dix ans après la ratification du Traité de paix dont ce pacte fait partie, tout État membre de la Société aura le droit, sur préavis d'un an de son intention, de se retirer de la Société, pourvu qu'au moment de sa retraite toutes ses obligations internationales et toutes ses obligations dérivant<sup>2</sup> de ce pacte aient été remplies."

#### AMENDEMENTS DE LA DÉLÉGATION BELGE.<sup>3</sup>

##### *Nouvelle rédaction proposée:*

Désireux d'assurer entre eux la paix et la sécurité par l'emploi de méthodes pacifiques dans le règlement des conflits et par l'établissement de relations loyales, justes et honorables entre les peuples.

Affirmant expressément que les prescriptions du droit international et le respect scrupuleux des Traités doivent constituer la règle de conduite effective des Gouvernements.

Résolus à proscrire les abus de la force et déterminés à favoriser la collaboration entre les peuples par la recherche en commun des mesures propres à augmenter le bien-être de l'humanité.

Les États signataires du présent pacte adoptent cette constitution de la Société des Nations.

*En cas de rejet, premier alinéa, remplacer "par l'engagement de ne plus recourir à la guerre" par "l'emploi de méthodes pacifiques dans le règlement des conflits."*

*Deuxième alinéa, remplacer "Puissances" par "États."*

#### ARTICLE PREMIER.

*Remplacer "se réalise par le moyen de" par "s'exerce au moyen de."*

#### ARTICLE 2.

a) *Premier alinéa (texte français), remplacer "déterminés" par "réguliers."*

b) *Deuxième alinéa, remplacer "mais ne pourra compter plus de trois" par "mais pourra compter trois représentants au plus."*

c) *Troisième alinéa, adopter amendement suisse à l'exception du littera b: ajouter au littera A 9, 14, 19.*

<sup>1</sup> In the original translation "une" was omitted.

<sup>2</sup> As originally written this was "ressortant."

<sup>3</sup> References here to the French text mean that of February 14. Annexe II to minutes of the Tenth Meeting.

## ARTICLE 3.

a) *Première alinéa, remplacer la première proposition par* “le Conseil exécutif se compose de neuf membres élus dans son sein par l’Assemblée des Délégués; ils seront tous citoyens d’États différents parmi lesquels figureront toutefois nécessairement les États-Unis d’Amérique, l’Empire britannique, la France, l’Italie et le Japon.”

b) *Deuxième alinéa, remplacer* “pour traiter cette question rentrant dans la sphère d’activité de la Société où intéressant la Paix du monde” par “Il sera chargé de veiller à l’exécution des décisions de l’Assemblée des Délégués, et pourra en l’absence de celle-ci prendre toutes mesures nécessaires au maintien de la Paix lorsque les circonstances ne permettront pas la réunion en temps utile de l’Assemblée des Délégués.”

## ARTICLE 7.

a) *Premier alinéa (texte français), supprimer* “de self government total” *et remplacer par* “ayant des institutions représentatives.”

b) *Remplacer* “ce qui comprend les” *par* “ce qui peut comprendre les.”

c) *Deuxième alinéa, remplacer* “aucune nation d’ailleurs ne pourra être admise” *par le pluriel* “les États qui ne sont pas signataires du présent pacte ni nommés dans le Protocole ci-annexé parmi ceux qui sont invités à y donner leur adhésion ne pourront, etc.” (bis) *ou bien remplacer in fine* “ses forces et armements militaires et navals” *par* “les forces et armements militaires et navals de cette Nation.”

*et supprimer le mot* “d’ailleurs.”

## ARTICLE 8.

a) *Alinéa 2 (texte français) remplacer* “articles de guerre” *par* “engins de guerre.”

b) *Alinéa 3 (texte français), remplacer* “faire plein et franc échange d’informations” *par* “se donner mutuellement les informations les plus complètes et les plus véridiques.”

## ARTICLE II.

a) *Remplacer* “se réservent le droit” *par* “réservent au Conseil exécutif le droit.”

b) *Remplacer* “action” *par* “mesure.”

## ARTICLE I2.

a) *Premier alinéa (texte français). Remplacer:* “elles ne devront jamais” *par* “elles ne pourront jamais.”

b) *Deuxième alinéa. Intervertir l'ordre des propositions*: "elles ne pourront jamais recourir à la guerre contre tout membre de la Société qui se conformera à la sentence des arbitres ou à la recommandation *unanime* du Conseil exécutif, et devront en tous cas attendre trois mois à partir de la décision du Conseil exécutif quand celui-ci ne sera pas arrivé à une décision *unanime*."

#### ARTICLE 13.

*Remplacer* "à leur commune estimation" *par* "d'après les conventions existant entre elles ou leur commun agrément."

#### ARTICLE 14.

*Ajouter in fine* "sans qu'elles aient voulu ou pu convenir de la composition d'une Cour d'arbitrage."

#### ARTICLE 14 bis.

*Ajouter*: "Au cas où les parties ne seraient pas d'accord sur l'interprétation à donner à leurs Conventions d'arbitrage, la contestation sera renvoyée à un Tribunal spécial composé de la manière suivante: chaque partie désigne un membre du Conseil exécutif et un membre de la Cour permanente de Justice internationale. Deux autres membres sont désignés par cette Cour elle-même parmi ses membres. Enfin un membre est choisi par le Conseil exécutif parmi ses membres. Ce Tribunal désigne lui-même son Président parmi les membres issus de la Cour permanente de Justice internationale."

#### ARTICLE 15.

a) *Premier alinéa, remplacer* "qui ne puissent, comme ci-dessus, être soumis à l'arbitrage" *par* "qui ne puissent être soumis à l'arbitrage comme ci-dessus."

b) *Deuxième alinéa (texte français), au lieu de* "quand les efforts du Conseil assurent le règlement" *dire* "si le règlement du conflit proposé par le Conseil exécutif est accepté par les Parties."

c) *Au lieu de* "si le différend n'a pu être réglé" *dire* "s'il n'est pas accepté."

d) *Au lieu de* "donnant tous les faits nécessaires la recommandation que le Conseil estime justes et propres au règlement" *dire* "contenant un exposé des faits ainsi que la recommandation faite par lui."

e) Remplacer la proposition suivante par "si cette recommandation a obtenu l'unanimité des membres du Conseil exécutif autres que les Parties, celles-ci ne pourront pas se refuser à l'accepter, et le Conseil proposera en cas de refus les mesures nécessaires pour assurer l'exécution de sa recommandation."

f) Remplacer "privilège" par "faculté."  
 g) *Troisième alinéa*, intercaler avant "à la requête" "il doit le faire."

h) *Quatrième alinéa* ajouter "il sera loisible aux États de conclure des conventions particulières destinées à exclure toute possibilité de guerre entre eux, soit qu'ils s'engagent à accepter les décisions rendues à simple majorité par le Conseil exécutif, soit qu'ils conviennent d'un autre mode de règlement de leurs conflits. Pareils engagements seront, si les Parties contractantes le désirent, admises sous la sauvegarde de la Société des Nations."

#### ARTICLE 16.

a) *Premier alinéa*. Au lieu de "s'engagent à la soumettre immédiatement à la rupture, etc....." dire "s'engagent à rompre immédiatement avec elles toutes relations *diplomatiques*, commerciales, financières, à prohiber tous rapports entre leurs nationaux et ceux de l'État en rupture de Pacte et à interdire toutes communications," etc.

b) *Deuxième alinéa*. Remplacer "indiquer par quels effectifs militaires ou navals les membres de la Société devront respectivement contribuer" par "proposer aux membres de la Société les effectifs militaires ou navals par lesquels il est désirable qu'ils contribuent."

#### ARTICLE 21 *bis*.

A ajouter : Article A, les États associés assureront, dans la plus large mesure possible, le développement des relations internationales, morales, scientifiques et artistiques entre les divers peuples et prouveront, par tous les moyens, la formation d'une mentalité internationale.

Il est créé, à cet effet, une Commission internationale de relations intellectuelles.

#### AMENDEMENTS DE LA DÉLÉGATION BRITANNIQUE.

##### ARTICLE 11.

*Troisième ligne*, effacer "Les Hautes Parties contractantes se réservent le droit de" et substituer les mots: "La Société devra . . ."

##### ARTICLE 12.

*Premier paragraphe, sixième ligne*, effacer les mots après "Comité exécutif" jusqu' à la fin de la phrase et substituer les mots: "ainsi qu'il est prévu ci-dessus."

## ARTICLE 13.

*Effacer la première phrase et substituer la suivante: "Si un différend s'élève entre les États membres de la Société, relatif à l'interprétation d'un Traité, à une question de droit international, à l'existence de tout fait qui constituerait une infraction aux obligations internationales ou à l'étendue et à la nature de la réparation à faire pour une telle infraction. Si un tel différend ne peut pas être réglé de façon satisfaisante par la diplomatie, les États membres de la Société reconnaissent que l'arbitrage est le moyen le plus efficace et, en même temps, le plus équitable, de régler ce différend; et ils sont d'accord pour soumettre à l'arbitrage tout le différend qu'ils reconnaissent être de cette nature. Dans ce but, la Cour, etc. . . . ."*

## ARTICLE 14.

*A la troisième ligne, après le mot "détermine," insérer les mots "y compris tout litige ou différend d'un caractère international."*

*Ajouter à la fin de l'article "et aussi toute conclusion qu'il lui serait renvoyée par le Comité exécutif ou l'Assemblée des Délégués."*

## ARTICLE 15.

*A la quatrième ligne, effacer le point et virgule et substituer un point.*

*Effacer: "l'une ou l'autre" et substituer: "toute."*

## ARTICLE 15 bis.

*Insérer un nouvel article comme suit: "le Conseil exécutif peut formuler des plans pour l'établissement d'un système de Commission de conciliation et peut faire des recommandations quant à la méthode d'employer de telles Commissions dans le règlement des différends qui ne sont pas reconnus par les parties comme susceptibles d'arbitrage."*

## ARTICLE 16.

*a) Deuxième ligne, effacer "article 13"<sup>1</sup> et substituer "articles 12 et 15."*

*b) § 2, ligne 1, insérer après le mot "recommande" les mots "tous les Gouvernements intéressés."*

*c) § 3, ligne 6, insérer les mots: "prendre les mesures nécessaires."*

## ARTICLE 17.

*Au premier paragraphe, à la sixième ligne, effacer les mots "ci-dessus" et insérer après "disposition" les mots "des articles 12 à 16 inclusivement."*

<sup>1</sup> Error for "12."

*A la sixième ligne, effacer "Société" et mettre "Conseil exécutif."*

#### NOUVEL ARTICLE 18.

*Amendement de rédaction. Le présent article doit devenir l'article 18. Au deuxième paragraphe, après le mot "responsabilité" insérer les mots "et qui désirent l'accepter."*

*Écrire ainsi le paragraphe 8:*

"La nature du mandat donné à chaque État mandataire sera, dans chaque cas, s'il n'y a pas eu d'arrangement antérieur, réglée par le Comité exécutif."

#### NOUVEL ARTICLE 19.

*Amendement de rédaction. Les présents articles 18, 20, 21 seront réunis en un nouvel article dans les termes suivants:*

"Conformément aux dispositions de conventions internationales existantes ou à conclure pour les matières ci-après indiquées, les États membres de la Société:

"a) S'efforceront d'assurer et de maintenir les conditions de travail justes et humaines pour les hommes, les femmes et les enfants, à la fois dans leur propre pays et dans tous les pays auxquels s'étendent leurs relations commerciales et industrielles;

"b) S'engagent à assurer un traitement équitable des indigènes habitant les territoires placés sous leur contrôle;

"c) Confient à la Société le contrôle général de l'exécution des engagements qui ont été pris en commun relativement au commerce des femmes et des enfants, ainsi qu'au commerce de l'opium et d'autres produits dangereux;

"d) Conviennent que la Société sera chargée du contrôle général du commerce des armes et des munitions avec les pays dans lesquels le contrôle de ce commerce est nécessaire dans l'intérêt commun;

"e) Conviennent que des dispositions seront prises pour assurer et maintenir la liberté des communications et du transit ainsi qu'un traitement équitable pour le commerce de tous les États membres de la Ligue. Sans perdre de vue, notamment, les arrangements spéciaux nécessités par la dévastation des régions envahies durant la guerre 1914-1918."

#### ARTICLE 20. (Ancien article 22).

*A la quatrième ligne, après le mot "bureaux" insérer les mots: "Toutes les Commissions instituées en vue de régler les matières d'intérêt international."*

*Insérer comme second paragraphe le texte suivant:*

"Dans toutes les matières d'intérêt international qui sont réglées par des conventions générales mais qui ne sont pas placées sous le

contrôle de Commissions ou de Bureaux internationaux, le Secrétariat de la Société agira comme organisation centrale pour recueillir et distribuer les renseignements et pour assurer l'observation effective de ces conventions si les Parties y consentent."

*Ajouter le nouveau paragraphe suivant:*

"Les frais de ces Bureaux et de ces Commissions, y compris ceux qui sont prévus par le Pacte, peuvent, avec le consentement du Conseil exécutif, être compris dans les frais du Secrétariat permanent de la Société."

#### ARTICLE 24.

*A la ligne 2, effacer "trois quarts" et substituer "une majorité."*

#### ARTICLE ADDITIONNEL

Tous les organes de la Société ainsi que ceux qui dépendent d'elle, y compris le Secrétariat, peuvent comprendre des femmes aussi bien que des hommes.

#### AMENDEMENTS PRÉSENTÉS PAR LA DÉLÉGATION FRANÇAISE.

#### ARTICLE 3.

*Insérer à la suite du 2<sup>e</sup> paragraphe de l'article 3, le texte suivant:*

En outre, en cas d'incident de nature à mettre en péril le maintien de la paix internationale, le Conseil exécutif se réunira d'urgence sur convocation adressée à chacun de ses membres par le Gouvernement d'un quelconque des États associés.

#### ARTICLE 8, *dernier paragraphe.*

Les H. P. C. résolues à se donner franche et pleine connaissance mutuelle de l'échelle de leurs armements et de leurs programmes militaires et navals, ainsi que des conditions de leurs industries susceptibles de s'adapter à la guerre, institueront une Commission chargée des constatations nécessaires.

#### ARTICLE 9.

Un organisme permanent sera constitué pour prévoir et préparer les moyens militaires et navals d'exécution des obligations que la présente Convention impose aux H. P. C. et pour en assurer l'efficacité immédiate dans tous les cas d'urgence.

#### ARTICLE 12.

Les Hautes Parties Contractantes conviennent que s'il venait à s'élever entre elles des différends qui n'auraient pu se régler par les procédés ordinaires de la diplomatie, elles *devront soumettre les élé-*

*ments du différend à une enquête confiée au Conseil exécutif ou à un arbitrage.*

*Elles ne devront jamais recourir à la guerre contre tout membre de la Société qui se conformera à la sentence des arbitres ou à la recommandation du Conseil exécutif.*

Dans tous les cas prévus par cet article, la sentence des arbitres sera rendue dans un délai raisonnable et la recommandation du Conseil exécutif interviendra dans les six mois du jour où il aura été saisi du litige.

#### ARTICLE 14.

Le Conseil exécutif arrêtera le plan de création d'une Cour permanente de justice internationale: cette Cour, dès son apparition, aura compétence pour entendre et juger:

a) *Toute question qui lui serait soumise par le Corps des Délégués ou par le Conseil exécutif.*

b) *Toute question surgissant de l'interprétation du Pacte établissant la Ligue.*

c) *Tout différend que, avec l'assentiment de la Cour et du Conseil exécutif, l'une quelconque des parties désirerait lui voir soumettre.*

#### ARTICLE 15, dernier paragraphe.

*Le recours à l'Assemblée des Délégués sera de droit lorsque le Conseil exécutif n'aura pu prendre de décision.*

#### ARTICLE 16.

Au cas où l'une des Parties Contractantes *ne se conformerait pas aux engagements pris par elle en vertu des articles 8, 12, 13, 15, elle sera ipso facto. . . .*

#### ARTICLE 20.

Les Hautes Parties Contractantes établiront *par des règles communes sur leur territoire, des conditions de travail équitables et humaines pour l'homme, la femme et l'enfant. Elles feront en sorte de les étendre aux territoires avec lesquels elles sont en relations de commerce et d'industrie, sous la sanction, s'il est besoin, de mesures douanières et même prohibitives.*

A cet effet, *elles institueront une Conférence périodique du travail, et un Bureau permanent du travail, chargés de veiller au contrôle de l'exécution des mesures prises par la Conférence. La Conférence périodique et le Bureau permanent font partie intégrante de l'organisation de la Société des Nations.*

## ARTICLE 21.

Les Hautes Parties Contractantes sont d'accord pour déclarer que des dispositions seront prises par l'entremise de la Société des Nations pour garantir et maintenir la liberté du transit et l'équitable traitement du commerce et de l'industrie de tous les États membres de la Société.

*Des arrangements spéciaux pourront être pris pour répondre aux besoins des régions dévastées pendant la guerre de 1914-1918.*

*Les Hautes Parties contractantes sont d'accord en outre pour déclarer qu'en raison des répercussions financières si différentes que la guerre a eues sur les diverses Nations, des dispositions spéciales doivent être concertées entre elles à l'effet de ramener une situation de fait équitable dans la vie économique, et spécialement dans les charges budgétaires de l'après-guerre.*

*Les Hautes Parties contractantes reconnaissent qu'une organisation internationale de la production est nécessaire et qu'elle doit avoir pour point de départ une étude statistique des besoins de chaque Nation.*

*Tous les États membres de la Société des Nations donneront protection complète à tous les droits et biens légalement acquis et possédés par des étrangers.*

## ARTICLE 21 bis.

*Il y a lieu de créer une section économique de la Société des Nations en vue d'étudier et de réaliser dans l'intérêt de la civilisation les grands projets d'entreprise économique d'ordre international.*

AMENDEMENT DE LA DÉLÉGATION GRECQUE.<sup>1</sup>

## ARTICLE 15.

Le Conseil Exécutif peut, dans tous les cas prévus à cet article, renvoyer le différend à l'Assemblée des Délégués à la demande de l'une ou l'autre des Parties, pourvu qu'une telle demande soit faite dans les 14 jours après que le différend aura été soumis au Conseil. Dans ce cas, une recommandation faite par l'Assemblée des Délégués aura le caractère d'une recommandation unanime par le Conseil Exécutif, pourvu qu'une telle recommandation soit appuyée par

<sup>1</sup> This is a re-translation into French of the English text of the Greek amendment, for which see Annex 8 of the English minutes of the Twelfth Meeting. The French text of Veniselos read thus:

Le Conseil exécutif peut, dans tous les cas prévus au présent article, porter le différend à l'Assemblée des Délégués, à la requête de l'une ou l'autre des parties, pourvu que cette requête intervienne dans les quatorze jours de la soumission du différend au Conseil. Dans ce cas la recommandation faite par l'Assemblée des Délégués équivaut à une recommandation faite à l'unanimité par le Conseil exécutif, si elle a réuni les voix de tous les membres du Conseil exécutif et de la majorité des autres Délégués.

tous les États représentés au Conseil Exécutif et par une majorité des autres États représentés à l'Assemblée des Délégués.

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### AMENDEMENTS DU JAPON.

#### ARTICLE 8.

*Mettre une virgule après le mot "réduction" et ajouter les mots suivants:*

"En soumettant cette réduction à un nouvel examen et à une revision au moins tous les dix ans."

*Ajouter à la fin du deuxième alinéa: <sup>1</sup>*

"A partir du moment où le différend a été soumis au Conseil Exécutif ou à un arbitrage, et jusqu'à l'expiration dudit délai de trois mois, les parties litigantes ne pourront procéder à des préparatifs militaires d'aucune espèce."

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### PROCÈS-VERBAL NO. 13.

SÉANCE DU 26 MARS 1919.

La treizième séance est ouverte à 20 heures 30, à l'Hôtel Crillon, sous la présidence du Président des États-Unis.

*Sont présents:*

Le Colonel House (*États-Unis d'Amérique*); Lord Robert Cecil et le Général Smuts (*Empire Britannique*); MM. Léon Bourgeois et Larnaude (*France*), MM. Orlando et Scialoja (*Italie*); le Baron Makino et le Vicomte Chinda (*Japon*); M. Hymans (*Belgique*); M. Epitacio Pessoa (*Brésil*); M. Wellington Koo (*Chine*); M. Veniselos (*Grèce*); M. Dmowski (*Pologne*); M. Jayme Batalha Reis (*Portugal*); M. Diamandi (*Roumanie*); M. Vesnitch (*Serbie*).

Sur la proposition du Président, un Comité composé de MM. le Colonel House (*États-Unis d'Amérique*), le Général Smuts (*Empire Britannique*), M. Orlando (*Italie*) et le Baron Makino (*Japon*), est chargé d'étudier la question du siège futur de la Société des Nations.

#### ARTICLE 17.

Sur la proposition de Lord Robert Cecil (*Empire britannique*), l'amendement suivant est adopté.

Au premier paragraphe, à la 2<sup>e</sup> ligne, effacez les mots "ci-dessus" et insérez après le mot "dispositions" les mots: "des articles 12 à 16 inclusivement."

A la 6<sup>e</sup> ligne, effacez le mot "société" et mettez les mots "Conseil exécutif."

Un amendement britannique propose:

<sup>1</sup> Of Article 12.

## ARTICLE 18.

- 1° Que le présent article 19 devienne l'article 18;
- 2° À la ligne 4, au second paragraphe, après le mot "responsabilité" insérer "et qui consent à l'assumer."

Cet amendement est adopté en principe et l'article est renvoyé au Comité de Rédaction.

## NOUVEL ARTICLE 19.

Lord Robert Cecil (*Empire britannique*) présente la nouvelle rédaction suivante qui consiste à fondre en un seul article 19 les anciens articles 18-20 et 21:

Conformément aux dispositions de conventions internationales existantes ou à conclure pour les matières ci-après indiquées, les États membres de la Société:

a) S'efforceront d'assurer et de maintenir les conditions de travail justes et humaines pour les hommes, les femmes et les enfants, à la fois dans leur propre pays et dans tous les pays auxquels s'étendent leurs relations commerciales et industrielles;

b) S'engagent à assurer un traitement équitable des Indigènes habitant les territoires placés sous leur contrôle;

c) Confient à la Société le contrôle général de l'exécution des engagements qui ont été pris en commun relativement au commerce des femmes et des enfants, ainsi qu'au commerce de l'opium et d'autres produits dangereux;

d) Conviennent que la Société sera chargée du contrôle général du commerce des armes et des munitions avec les Pays dans lesquels le contrôle de ce commerce est nécessaire dans l'intérêt commun;

e) Conviennent que les dispositions seront prises pour assurer et maintenir la liberté des communications et du transit, ainsi qu'un traitement équitable pour le commerce de tous les États membres de la Ligue, sans perdre de vue, notamment, les arrangements spéciaux nécessités par la dévastation des régions envahies durant le guerre de 1914-1918.

Lord Robert Cecil (*Empire britannique*) rappelle que le but de cette rédaction est de grouper sous un même article les questions de même nature telles que celles relatives aux armements, aux transports nationaux, pour la répression de l'opium, de la traite des blanches et pour le traitement équitable du commerce de toutes les Nations. Toutes ces conventions qui risqueraient de faire appel à des mesures divergentes sont rappelées dans le nouvel article et permettront à la Société des Nations de réaliser une législation harmonique pour ces diverses questions qui intéressent au plus haut point l'avenir.

M. Vesnitch (*Serbie*) fait remarquer que ces dispositions im-

posent une obligation qui peut entraîner à des difficultés et à une intervention dans la législation intérieure des Pays associés.

Le Président répond que c'est une question d'influence et non pas d'intervention.

Lord Robert Cecil (*Empire britannique*) indique que la portée de l'article est très limitée et se borne à établir des conditions de travail équitables et humanitaires.

M. Léon Bourgeois (*France*) constate que l'énumération de cet article correspond aux préoccupations qui avaient inspiré l'amendement français au sujet de l'organisation du travail. Il permet, en effet, à la Société des Nations de consacrer les Conventions qui sont passées à cet égard par la France.

M. Jayme Batalha Reis (*Portugal*) fait une réserve sur les mots "contrôle général" au littera B. Il souhaiterait qu'on employât un mot plus atténué qui précise que le contrôle sera exercé d'accord avec la souveraineté des différents États.

Lord Robert Cecil (*Empire britannique*) répond que l'article vise seulement les Conventions qui seront acceptées par tous les États.

Le nouvel article 19 est accepté et le Comité de Rédaction est chargé d'étudier l'insertion des mots "par le moyen d'un Bureau International" au littera A après le mot "s'efforceront."

#### ARTICLE 20 (ANCIEN ARTICLE 22).

Lord Robert Cecil (*Empire britannique*) propose d'ajouter dans l'ancien article 22 qui prend maintenant le n° 20, après le mot "bureau," les mots "toutes Commissions pour le règlement d'affaires d'importance internationale."

Il propose également d'ajouter comme second paragraphe le texte suivant :

Dans toutes les matières d'intérêt international qui sont réglées par des conventions générales mais qui ne sont pas placées sous le contrôle de Commissions ou de bureaux internationaux, le secrétariat de la Société agira comme organisation centrale pour recueillir et distribuer les renseignements et pour assurer l'observation effective de ces conventions si les Parties y consentent.

MM. Léon Bourgeois (*France*) et Hymans (*Belgique*) sont d'avis qu'il ne faut pas exagérer le rôle du Secrétariat qui doit rester un organe de renseignements et de distribution. On pourrait supprimer la fin de l'alinéa qui prévoit qu'il assurera l'observation effective des conventions.

Cet amendement est accepté et le nouvel alinéa est adopté sauf les mots "et pour assurer l'observation effective de ces conventions si les Parties y consentent."

Lord Robert Cecil (*Empire britannique*) propose un troisième alinéa ainsi conçu :

Les frais de ces Bureaux et de ces Commissions, y compris ceux qui sont prévus par le Pacte, peuvent, avec le consentement du Comité exécutif, être compris dans les frais du Secrétariat permanent de la Société.

Cet amendement est adopté sous réserve, pour le Comité de rédaction, de trouver la meilleure forme donnée au nouveau paragraphe en évitant les contradictions possibles avec la convention de l'Union postale universelle, et les conventions analogues.

#### AMENDEMENT DE LA DÉLÉGATION FRANÇAISE AU NOUVEL ARTICLE 19.

M. Léon Bourgeois (*France*) propose l'amendement suivant qui prendrait place dans le nouvel article 19 :

Les Hautes Parties Contractantes sont d'accord, en outre, pour déclarer qu'en raison des répercussions financières si différentes que la guerre a eues sur les diverses nations, des dispositions spéciales doivent être concertées entre elles à l'effet de ramener une situation de fait équitable dans la vie économique, et spécialement dans les charges budgétaires de l'après-guerre.

Les Hautes Parties Contractantes reconnaissent qu'une organisation internationale de la production est nécessaire et qu'elle doit avoir pour point de départ une étude statistique des besoins de chaque nation.

Tous les États membres de la Société des Nations donneront protection complète à tous les droits et biens légalement acquis et possédés par des étrangers.

M. Léon Bourgeois (*France*) explique qu'il a paru nécessaire d'introduire le mot "industrie" parce que si l'on ne parle que du commerce, cela donne un sens trop restrictif à l'article. Bien que la question industrielle ne se pose, au point de vue international, qu'en tant qu'il y a commerce, il est bon qu'elle soit comprise dans l'ensemble des préoccupations de la Société des Nations.

Une seconde partie de l'amendement se réfère aux besoins spéciaux des régions dévastées et aux dispositions qui doivent être concertées entre les Nations associées en ce qui concerne les charges budgétaires de l'après-guerre.

La Délégation française a surtout désiré, en déposant cet amendement, appeler l'attention sur le problème qui se pose, plutôt que de faire voter telle ou telle disposition. Si, par exemple, on crée une session financière de la Société des Nations, on doit tenir compte de ces éventualités en rédigeant le Projet de Pacte.

Il s'agit donc surtout d'indiquer une référence à cette Commission. Cette observation figurera au procès-verbal et pourra être

invoquée en cas de besoin, de façon à ce que soit bien établie la nécessité des communications entre les diverses Commissions de la Conférence.

M. Hymans (*Belgique*) fait remarquer que ce qu'il y aura d'intéressant dans cette disposition, si elle est adoptée, c'est qu'elle ferait payer les Neutres.

M. Léon Bourgeois (*France*) explique le dernier alinéa de son amendement qui a trait à la protection des biens légalement acquis et possédés par des étrangers. Cette partie de l'amendement vise surtout des concessions minières qui peuvent être accordées dans un pays à des ressortissants étrangers. Ceux-ci doivent avoir droit à la protection de la Société des Nations, et si des violences étaient commises contre eux, ils devraient être protégés par l'ensemble des États. Il est bon, en tout cas, que la question soit posée.

Le Président rappelle qu'il y a un dicton américain d'après lequel "le pavillon suit le dollar," et il craint que le dernier alinéa proposé par la Délégation française n'entraîne la Société des Nations à prendre des responsabilités considérables. Le résultat pourrait être que dans un pays dont le Gouvernement serait faible, des financiers pourraient obtenir des concessions et que la Société des Nations serait obligée d'intervenir dans l'administration du pays pour faire respecter les droits lésés des particuliers.

On a vu aux États-Unis des réclamations qui auraient pu aboutir à une mainmise des financiers sur les douanes, lesquelles constituent une des principales ressources des États. La Cour Suprême a donné tort à ces réclamations.

M. Léon Bourgeois (*France*) ne désire pas donner à la Société des Nations des conséquences aussi étendues, mais estime qu'il faut cependant prendre les précautions nécessaires pour que les droits légitimes soient garantis par l'autorité de la Société des Nations.

Il n'insiste pas pour l'adoption immédiate du texte, mais demande que les observations qui précèdent figurent au procès-verbal.

M. Hymans (*Belgique*) désire présenter un amendement qui n'a pu être inscrit dans les propositions distribuées par la Délégation belge, et qui vise non pas l'industrie, comme l'amendement français, mais l'agriculture. Il s'agirait de créer une Commission permanente, afin de favoriser les spécialisations de production agricole, d'adapter dans chaque pays les cultures aux circonstances climatiques et géographiques, et de faciliter l'échange des matières premières nécessaires à chaque genre de production. Cette Commission aurait aussi pour but de rechercher et de vulgariser le perfectionnement scientifique pour la mise en valeur des terres et l'utilisation du bétail. De même, elle étudierait les questions de protection internationale contre les maladies des plantes et des animaux.

M. Orlando (*Italie*) rappelle que l'Institut international

d'agriculture de Rome poursuit des travaux dans toutes les branches auxquelles vient de faire allusion le Délégué belge; d'autre part un article du Pacte prévoit le rattachement à la Société des Nations de toutes les Commissions ou Bureaux internationaux. Le Délégué d'Italie déclare dès maintenant que l'Institut d'agriculture de Rome pourrait être rattaché à la Société des Nations.

ARTICLES 21, 22, 23.

Les articles 21, 22, 23 (anciens articles 23, 24, 25) sont adoptés sans amendement.

NOUVEL ARTICLE 24 (ANCIEN ARTICLE 26).

Lord Robert Cecil (*Empire britannique*) rappelle que le nouvel article 24 prévoit que les amendements au Pacte n'entreront en vigueur que s'ils sont ratifiés par les trois quarts des États représentés à l'Assemblée des Délégués.

La Délégation anglaise propose de remplacer les "trois quarts" par la "majorité." Cet amendement écarterait l'impression que le Pacte ne peut être que très difficilement modifié.

M. Veniselos (*Grèce*) rappelle les amendements proposés à cet article par le Chili, la Norvège, les Pays-Bas, la Suisse. Tous les États à intérêts particuliers ont la même préoccupation: ils consentent à se lier, mais dans des conditions bien déterminées: si la simple majorité pouvait modifier le Pacte, plusieurs États pourraient être liés sans y avoir donné leur adhésion et pourraient se voir imposer de graves obligations. La question a été mûrement étudiée en première lecture et le texte alors établi répond aux préoccupations qui se sont fait jour.

Le Président dit que c'est pour répondre à de telles préoccupations que la Délégation américaine a prévu la possibilité pour les États de se retirer de la Société, et a présenté l'amendement suivant:

A la fin de la période de dix ans après la ratification du Traité de Paix dont ce pacte fait partie, tout État membre de la Société aura le droit, sur préavis d'un an de son intention, de se retirer de la Société, pourvu qu'au moment de sa retraite toutes ses obligations internationales et toutes ses obligations dérivant de ce Pacte aient été remplies.

Le but de cette rédaction est de prévoir une durée de dix ans pour faire l'expérience de la Société.

Si l'œuvre réussit, aucun État ne voudra s'en retirer. Si elle échoue, peu importe qu'on prévoie le droit d'en sortir après un préavis d'une année, pourvu qu'il ait rempli toutes ses obligations internationales.

M. Larnaupe (*France*) dit que l'opinion publique attend beaucoup plus qu'une expérience. Dire dans un acte de Société qu'elle ne durera que dix ans et que chacun pourra se retirer, c'est donner l'impression d'une grande fragilité pour l'œuvre entreprise.

La Société a de grands projets internationaux en vue, elle répond à des nécessités pressantes et l'opinion ne comprendrait pas qu'on la considérât comme une œuvre temporaire. Il ne faut pas donner au monde l'impression qu'on ne fait qu'un timide essai.

Lord Robert Cecil (*Empire britannique*) a été impressionné par l'observation de M. Larnaupe (*France*) disant qu'un terme de dix années pourrait étonner l'opinion. D'autre part, il est difficile de lier les États pour dix ans. Il est préférable de conclure des engagements pour un temps déterminé avec faculté de les renouveler. Il lui paraîtrait convenable de fixer une durée de vingt années pendant laquelle le Pacte ne saurait être rompu, de manière à couvrir autant que possible la période des réparations et des reconstitutions. Dans le cas où la Commission déciderait, comme le propose M. Larnaupe (*France*), de ne prévoir aucun délai et de constituer dès maintenant la Société comme un organe perpétuel, il proposerait un préavis de deux ans au lieu d'un an pour les États qui voudraient se retirer.

M. Orlando (*Italie*) reconnaît qu'un délai de dix ans, qui serait le même pour tous les États, pourrait provoquer au bout de cette période une manifestation collective de plusieurs Puissances qui se retireraient en même temps. On éviterait cet inconvénient en renonçant à fixer la période d'essai et en permettant simplement à toute nation de se retirer de la Société après un préavis de deux ans.

M. Larnaupe (*France*) estime que si la Société des Nations correspond à son but, elle ne peut être une institution tyrannique pour personne et n'apportera que des avantages de sécurité et de prospérité aux États qui en feront partie. Dans ces conditions pourquoi prévoir la faculté de retrait? La possibilité de donner un préavis d'un an ou de deux ans peut amener un grand trouble dans la Société s'il émane d'une grande Puissance. La Société des Nations sera menacée dans son œuvre vive. Nous voulons, selon les paroles admirables du président Wilson, substituer un état de droit véritable à l'état de fait anarchique qui a jusqu'à présent régné dans les relations internationales. Pour atteindre ce but, il faut donner au monde l'impression que nous fondons quelque chose de définitif.

Le Président estime que l'État qui se retirerait deviendrait un "Outlaw" pour avoir violé le droit nouveau.

Certaines Nations ont une sorte de fétichisme pour l'idée de souveraineté, et elles n'admettraient pas facilement l'idée d'être liées pour toujours. Au premier rang de ces Nations se trouvent les États-Unis. La clause de retrait n'aurait aucun mauvais résultat, tandis que son omission pourrait en avoir de fort graves.

Il faut savoir faire des concessions aux idées existantes pour rendre viables les idées nouvelles et leur donner des chances d'être acceptées.

Il faut éviter les réactions et ne pas courir le risque de voir les droits des nationalités se mettre en travers de la Société des Nations. Plus tard, le temps viendra, où les hommes seront d'aussi ardents partisans de la souveraineté de l'humanité qu'ils le sont aujourd'hui de la souveraineté nationale.

Le Président rappelle que l'on tient beaucoup dans son pays à ce que le droit de sécession soit maintenu et que chaque État adhérent à la Société des Nations en puisse sortir. Lui-même est anti-sécessionniste, mais il croit préférable que les États aient le droit légal de se retirer, bien qu'en fait ils n'en aient pas la possibilité morale. Si la Commission ne reconnaît pas ce droit, il craint que les États-Unis refusent d'adhérer au Pacte.

M. Léon Bourgeois (*France*) constate que les observations successives du Président et de M. Larnaude (*France*) aboutissent à un accord, en ce sens que l'on renonce à l'idée de fixer un délai d'essai pour la Société des Nations. Si l'on employait pour la rédaction de l'article la forme négative, on pourrait insérer le texte suivant :

Nul État faisant partie de la Société des Nations n'a le droit de s'en retirer sans s'être acquitté de ses obligations et sans un préavis de deux ans.

Avec une telle rédaction le principe de la perpétuité de la Société des Nations serait consacré, et cependant on maintiendrait le droit de retrait de chaque État mais en l'entourant des précautions nécessaires.

M. Veniselos (*Grèce*) se rallie à la proposition de M. Léon Bourgeois (*France*) et dit qu'avec la faculté du préavis il n'est plus besoin de prévoir que le pacte est conclu pour une durée déterminée.

Lord Robert Cecil (*Empire britannique*) est d'un avis contraire, car si aucun terme n'est prévu pour l'expiration du traité il devient perpétuel, et nul n'aura le droit de se retirer de la Société. Il propose donc de prévoir un délai pendant lequel le Pacte ne pourra pas être modifié et d'ajouter la faculté de préavis de un ou deux ans.

M. Larnaude (*France*) craint que si l'on maintient un délai d'essai, tous les États seront dans l'hésitation pendant cette période. Au contraire, si l'idée se répand que la Société des Nations constitue désormais un droit nouveau qui se substitue à l'ancien, tous les États y adhéreront sans arrière-pensée et pour une durée indéfinie. Pourquoi demandons-nous aux Nations de s'engager ainsi? C'est pour éviter les guerres. Un pareil but n'est-il pas digne qu'on lui con-

sente quelques sacrifices, et que l'on renonce à la pensée de rompre le pacte dont l'objet est si important? Il ne faut pas raisonner ici, comme s'il s'agissait d'un traité entre particuliers ou d'une société commerciale. Il s'agit d'instaurer un droit nouveau et de le substituer à l'ancien pour faire disparaître les guerres. Si cette ambition est celle d'un idéaliste, elle voisine avec celle du Président Wilson.

M. Vesnitch (*Serbie*) estime qu'il y a intérêt à conserver à la Société des Nations autant d'élasticité que possible. Il est bien préférable de garder la possibilité d'en sortir que de risquer la chance de voir une grande Puissance rompre le Pacte. D'ailleurs, le fait qu'une grande démocratie comme les États-Unis a des préoccupations à cet égard suffit à justifier la proposition du Président de laisser la porte ouverte à ceux qui veulent sortir.

Il faut que la Société soit une organisation dans laquelle chaque État aura intérêt à entrer et il n'y faut retenir les États qu'en vertu de leur propre liberté et par les avantages qu'ils y trouveront. La Société des Nations doit être une association libre dans laquelle les États entrent avec la plénitude de leurs droits et la conscience de leurs devoirs. Mais il ne peut y avoir d'engagement perpétuel, et il est préférable de le dire nettement.

M. Jayme Batalha Reis (*Portugal*) estime que le fétiche exagéré de la souveraineté des États dont il a été parlé est un véritable obstacle à la construction solide de la Société des Nations. Il faut que celle-ci se résigne à déléguer une partie de leur souveraineté et à créer une véritable fédération. On paraît loin de cet âge d'or et il est à craindre que de nouvelles victimes soient encore sacrifiées dans l'avenir au fétiche dont on parlait. Ce qui était essentiel, c'était de déclarer l'arbitrage obligatoire entre toutes les Nations. En ne le faisant pas, nous avons rendu hommage au principe de la souveraineté des États.

M. Veniselos (*Grèce*) croit qu'on aurait pu porter le délai d'essai à vingt ans, et en tout cas que la forme négative proposée par M. Léon Bourgeois (*France*) présenterait de grands avantages.

M. Orlando (*Italie*) est d'avis que la liberté est essentielle dans toutes les manifestations humaines. Mais l'important n'est pas tant d'être libre que de se croire libre. Si les États ont la conviction qu'il leur suffit de donner un préavis pour sortir de la Société, il est bien vraisemblable qu'il n'useront pas de cette faculté. Au contraire, s'ils ont l'impression qu'ils portent une chaîne, il pourra se produire des ruptures brutales. Sans doute, comme le dit M. Larnaude (*France*), nous voulons fonder un nouveau droit, mais il faut pour cela plus qu'un traité et qu'une déclaration. Il faut créer des mœurs, des habitudes, une force intérieure qui soutiennent l'édifice que nous construisons. La fixation d'un délai de dix ou vingt ans paraît contre-indiquée au point de vue psycho-

logique : mieux vaut ne pas assigner un terme à la Société et admettre simplement la faculté réglementée de s'en retirer.

Le Président tient à assurer M. Larnaude (*France*) qu'il partage ses espérances et ses ambitions. Mais les États-Unis ne donneraient pas leur adhésion à une institution dont ils ne seraient pas libres de se retirer. Au contraire, une fois qu'ils y seront entrés, il espère qu'ils y resteront toujours. Au fond, le désir passionné de tous les membres de la Commission est le même, et l'on arrivera facilement à un accord en rejetant le principe d'une période d'essai et en admettant celui de la faculté de retrait.

L'amendement du Président rectifié est adopté dans la forme suivante :

Tout État membre de la Société peut, en donnant connaissance de son intention deux ans à l'avance, se retirer de la Société, pourvu que toutes ses obligations internationales et toutes ses obligations dérivant du Pacte soient remplies au moment où il se retire.

Lord Robert Cecil (*Empire britannique*) demande si son amendement à l'article précédent a été adopté.

Il est répondu affirmativement à cette question.

#### NOUVEL ARTICLE 25.

Lord Robert Cecil (*Empire britannique*) propose d'ajouter un nouvel article dans la forme suivante :

Tous les organes de la Société ainsi que ceux qui dépendent d'elle, y compris le Secrétariat, peuvent comprendre des femmes aussi bien que des hommes.

Il explique que cet amendement a été motivé par une expérience malheureuse faite en Angleterre, où la justice a décidé dans certains cas que l'admission de femmes ne pouvait avoir lieu, parce qu'elle n'avait pas été explicitement prévue.

L'amendement britannique est adopté.

Le Président propose de composer ainsi le nouveau Comité de rédaction :

Le Colonel House (*États-Unis d'Amérique*), Lord Robert Cecil (*Empire britannique*), M. Larnaude (*France*), M. Veniselos (*Grèce*).

La nouvelle réunion de la Commission aura lieu lorsque le Comité de rédaction sera prêt à déposer son rapport.

La Commission décide également de nommer un Comité chargé de préparer toutes les mesures d'exécution du Pacte en ce qui concerne la nomination du Secrétaire général, sa nationalité et le siège du Secrétariat.

M. Léon Bourgeois (*France*) rappelle que la Délégation fran-

çaise a proposé deux amendements relatifs, l'un à la vérification de la limitation des armements et l'autre à la création d'un organisme d'études et de préparation militaires.

Le Président apprécie toutes les raisons qui ont conduit la Délégation française à présenter ses amendements. Mais il fait observer qu'ils ont été discutés amplement à deux reprises. Il craint qu'une troisième discussion ne puisse aboutir à aucun résultat.

M. Léon Bourgeois (*France*) répond que, dans ces conditions, il sera obligé de demander un vote.

M. Orlando (*Italie*) suggère qu'il soit fait mention d'une réserve de la Délégation française aux article 8 et 9. Cela permettrait au Gouvernement français de conserver sa liberté d'action jusqu'au bout. Au contraire, si les amendements étaient mis aux voix, le rejet pourrait causer un préjudice à la thèse française, en faisant croire que la Commission est opposée au principe même qui l'a inspirée. Il fait remarquer de nouveau que l'amendement de la Délégation française est impliqué dans le texte de l'article qui a été voté.

Lord Robert Cecil (*Empire britannique*) demande à M. Léon Bourgeois (*France*) de ne pas insister pour le vote et de réserver la question jusqu'à la prochaine séance de la Commission.

M. Veniselos (*Grèce*) estime que cette question doit être tranchée par les grandes Puissances ou bien par une conversation directe entre le Président et M. Clemenceau. La Commission ne peut présenter à la Conférence que des solutions sur lesquelles l'unanimité s'est établie.

M. Vesnitch (*Serbie*) se rallie à la proposition de M. Veniselos (*Grèce*), car il s'agit ici d'une question de Gouvernement.

La séance est levée à 23 heures 15.

[The minutes of the Fourteenth and Fifteenth Meetings are lacking.]

**Italian Draft**

*[English and French translations are Annex 3 to the Minutes of the First Meeting of the Commission (Documents 19 and 20).]*

**SCHEMA DI ATTO GENERALE PER COSTITUIRE LA SOCIETÀ DELLE NAZIONI**

Il Presidente degli Stati Uniti d'America, il Presidente della Repubblica Francese, S. M. il Re del Regno Unito di Gran Bretagna ed Irlanda, S. M. il Re d'Italia e S. M. l'Imperatore del Giappone, animati dal desiderio di assicurare stabilmente la pace e l'amichevole convivenza degli Stati, di promuovere una più rigorosa osservanza della giustizia e della equità fra i medesimi, e di provvedere di comune accordo al miglior conseguimento dei fini di comune interesse.

Hanno invitato tutti gli Stati che parteciparono alla Conferenza riunita a Parigi nel gennaio del 1919 a costituire, a tal uopo, la "Società delle Nazioni."

Tutti gli Stati che promossero e accettarono questo invito, ritenendo che giovi, ai detti fini, stabilire un ordinamento giuridico di rapporti internazionali che garentisca a ogni Nazione, liberamente costituita, le condizioni necessarie per il proprio sviluppo indipendente ed autonomo, e il modo di concorrere, con le forze di cui può disporre, al benessere e al progresso civile dell'Umanità;

Dichiarano solennemente il loro sincero e fermo proposito di ispirare la propria condotta ai seguenti principi fondamentali;

I. Tutti gli Stati sono eguali in diritto; le disuguaglianze di fatto non possono essere invocate a giustificazione di qualsiasi atto, omissione o pretesa incompatibile col rispetto dei diritti altrui e con l'adempimento dei propri doveri internazionali.

Gli Stati più progrediti hanno l'obbligo di prestare la propria assistenza, sotto la vigilanza della Società delle Nazioni, per il buon governo dei paesi che non abbiano ancora raggiunto un ordinato assetto civile, promuovendone il miglioramento.

II. Ogni atto o pretesa che implichi diminuzione o minaccia per l'indipendenza politica o per l'integrità territoriale di uno Stato, contraddice ai principi sui quali riposa la comunità internazionale.

III. Ogni Stato ha il diritto di partecipare al commercio ed al traffico internazionale in condizioni di parità giuridica. Non contraddicono a questa libertà ed eguaglianza le restrizioni doganali, sanitarie o simili, che per propria necessità ciascuno Stato può imporre.

IV. La navigazione è libera per le navi mercantili di ogni bandiera. I diritti sovrani sulle acque territoriali e sui porti non pos-

sono essere esercitati in guisa da compromettere sostanzialmente questa libertà.

V. La distribuzione internazionale delle derrate e delle materie prime necessarie alla alimentazione e all'industria deve essere disciplinata in guisa da assicurare a ciascun paese le condizioni indispensabili per l'esistenza e per il lavoro.

VI. Le disposizioni intese a tutelare i diritti e gli interessi dei lavoratori saranno stabilite e applicate in ciascun paese senza distinzione di cittadinanza. Non contraddicono a questa parità di trattamento le limitazioni che ciascuno Stato può imporre all'esercizio di determinati mestieri da parte di sudditi esteri e all'impiego della mano d'opera straniera in determinati lavori.

VII. Nessuno Stato può sciogliersi dagli obblighi assunti mercè un trattato internazionale fuori dei termini pattuiti, se non col consenso di tutte le Parti, salvo ricorso agli organi competenti per risolvere le controversie che derivassero dal loro dissenso.

VIII. Non potranno concludersi convenzioni internazionali segrete.

Gli Stati contraenti si impegnano a garantire nei loro reciproci rapporti l'osservanza di questi principi, a tutelare e a promuovere in conformità dei medesimi i comuni interessi, mercè:

a) la costituzione e la funzione di speciali organi internazionali, secondo particolari norme appropriate ai diversi fini che si tratta di raggiungere;

b) la determinazione di speciali procedimenti, intesi a prevenire e risolvere ogni conflitto che fra loro possa sorgere;

c) la sanzione di provvedimenti coattivi, intesi a reprimere ogni trasgressione a quanto sia fra loro convenuto e disposto in conformità di questo atto.

E per attuare fin d'ora, in quanto le circostanze lo consentono, i propositi manifestati, gli Stati contraenti convengono in quanto segue:

## DISPOSIZIONI GENERALI

ART. I.—Gli Stati contraenti si impegnano:

a) a risolvere le controversie di qualsiasi natura che sorgessero fra di loro, nei modi stabiliti dal presente atto;

b) a rispettare e ad eseguire in buona fede le decisioni che saranno pronunciate a norma del medesimo;

c) ad astenersi dall'esercitare l'uno contro l'altro qualsiasi mezzo coercitivo, fuori dei casi e dei termini stabiliti al titolo IV di questo atto.

Si impegnano quindi a ridurre le proprie forze armate di ogni specie nei limiti necessari, secondo le disposizioni che saranno stabilite in un protocollo speciale.

ART. 2.—Qualunque convenzione che gli Stati firmatari di questo atto o aderenti al medesimo conchiudessero, contrariamente ai principi formulati nel preambolo o alle regole contenute negli articoli seguenti, sarà nulla ed inefficace.

La inefficacia e la nullità saranno dichiarate, a richiesta di qualunque Stato che vi abbia interesse, nei modi stabiliti al titolo II di questo atto.

## TITOLO I

### REGOLAMENTO E GESTIONE DEGLI INTERESSI COMUNI

ART. 3.—I rappresentanti di tutti gli Stati contraenti si riuniranno in Conferenze periodiche, nella città di . . . per provvedere di comune accordo alla determinazione progressiva delle norme di diritto internazionale, esaminare e discutere le questioni generali di comune interesse.

Ogni Conferenza stabilirà la data della successiva riunione.

ART. 4.—Ciascuno Stato parteciperà con un voto alle deliberazioni delle Conferenze, ma potrà farvisi rappresentare da più delegati, in numero non maggiore di tre.

Si intenderanno adottate quelle proposte che avranno ottenuto almeno due terzi di voti favorevoli, fra gli Stati intervenuti, quando non sia disposto altrimenti dal presente atto.

ART. 5.—Un Consiglio, composto di un rappresentante per ciascuna delle Potenze promotrici, indicate nel preambolo di questo atto, di quattro rappresentanti di quelle altre Potenze contraenti che ogni Conferenza designerà nonché di un egual numero di membri supplenti, scelti con le stesse norme, per surrogare i membri effettivi in caso di mancanza o impedimento, si riunirà di regola ogni anno, e semprechè le circostanze lo richiedano, per provvedere agli affari generali di comune interesse che consentono o esigono più sollecite disposizioni.

Il Consiglio elegge annualmente nel suo seno, a scrutinio segreto e a maggioranza di voti, un presidente e un vice-presidente; in caso di parità di voti, dopo due scrutini, si intende eletto il più anziano di età.

ART. 6.—Sara costituito a cura e alla dipendenza del Consiglio, un ufficio permanente, di segreteria che avrà sede a . . . . L'Ufficio provvederà altresì a coordinare, in quanto occorra, le deliberazioni delle Conferenze, a custodirne gli atti ed a raccogliere i documenti relativi all'attuazione delle deliberazioni adottate.

ART. 7.—Saranno istituiti, alla dipendenza del Consiglio, secondo le norme che esso riterrà più opportune, un "Comitato economico," un "Comitato del lavoro" ed un "Comitato militare."

Al "Comitato economico" spetterà di fornire gli elementi per la risoluzione dei problemi internazionali di indole economica o finan-

ziaria, in guisa da preparare un progressivo, armonico coordinamento degli interessi di ogni paese, in questo campo.

Il "Comitato del lavoro" raccoglierà gli elementi e formulerà le proposte opportune per la tutela dei lavoratori e per la risoluzione dei problemi internazionali che li riguardano; esprimerà il suo parere in tutte le controversie internazionali derivanti dalla interpretazione e dalla applicazione dei trattati di lavoro fra le Parti.

Al "Comitato militare" spetterà di raccogliere gli elementi e di proporre i provvedimenti opportuni per la risoluzione dei problemi di questo carattere, che interessano la Società delle Nazioni.

ART. 8.—Le Unioni, gli Istituti e gli Uffici internazionali, costituiti per la tutela o la gestione di determinati interessi comuni, fanno parte dell'ordinamento generale della Società delle Nazioni, disciplinata dal presente atto.

Nulla è innovato, per quanto concerne gli Stati che non partecipano a questo ordinamento.

ART. 9.—Quando le circostanze lo richiedano, per l'attuazione dei principi formulati nel preambolo di questo atto, e per qualsiasi fine a cui giovi di provvedere in forma collettiva, altri organi internazionali saranno costituiti, secondo le disposizioni riconosciute volta per volta più opportune, fra tutti gli Stati contraenti o fra taluni di essi.

## TITOLO II

### RISOLUZIONE DELLE CONTROVERSIE INTERNAZIONALI

#### CAPO I.—di Consiglio di inchiesta e conciliazione

ART. 10.—Qualunque controversia fra le Parti contraenti, che non sia possibile risolvere per mezzo di trattative amichevoli, dovrà di regola essere risolta per mezzo di un giudizio arbitrale. Se le Parti non si accordano per la costituzione di tale giudizio, la controversia sarà deferita, su domanda anche di una sola di esse, al Consiglio di cui all'articolo 5., che, aggregandosi un rappresentante di ciascuna delle Parti contendenti, quando non ne faccia già parte, funzionerà in tal caso come "Consiglio di inchiesta e di conciliazione."

ART. 11.—I rappresentanti in carica nel momento in cui il Consiglio è investito di una controversia continuano a farne parte per la trattazione di essa, anche se nel frattempo scadessero di ufficio e non fossero confermati.

La presidenza del Consiglio non può spettare al rappresentante di uno degli Stati interessati nella controversia; il presidente sarà pertanto sostituito, quando fosse il caso, dal vice-presidente, questi dal rappresentante più anziano in ordine di nomina ed a parità di nomina in ordine di età.

ART. 12.—Lo Stato che intende rivolgersi al Consiglio invierà

al medesimo una domanda contenente l'esposizione della controversia e le proprie richieste.

Appena ricevuta la domanda, il Consiglio ne ordina la comunicazione agli altri Stati interessati nella controversia, ed assegna a ciascuno un congruo termine per presentare osservazioni e controproposte.

ART. 13.—Il Consiglio farà quei tentativi e quelle proposte che stimerà utili per una composizione amichevole della controversia. Quando non reputi opportuno fare tali tentativi o questi non riescano, il Consiglio provvederà senz'altro per la decisione della vertenza, in conformità delle disposizioni dell'articolo seguente.

ART. 14.—Se la vertenza è stata portata dinanzi al Consiglio da una delle Parti e l'altra non si è presentata, o ha dedotto che la controversia debba essere decisa mediante un giudizio il Consiglio ne esamina i caratteri, e se ritiene che, per la sua natura o per precedenti accordi a cui non vi sia motivo di derogare, meriti di essere risolta in base alle norme del diritto internazionale, piuttosto che a considerazioni politiche o a ragioni di equità, rinvia le Parti dinanzi alla Corte Internazionale di giustizia.

In ogni altro caso, il Consiglio decide in merito, a meno che, considerate l'importanza e l'indole degli interessi in conflitto, e le circostanze tutte della vertenza, non stimi opportuno deferirla alla Conferenza di cui all'articolo 3.

ART. 15.—La Conferenza e il Consiglio regolano la propria procedura. Possono nominare Commissioni d'inchiesta per l'accertamento dei fatti, formulare rogatorie per l'assunzione di prove e chiedere la comunicazione di documenti, con le cautele necessarie a salvaguardia della sicurezza degli Stati.

Gli Stati contraenti si obbligano ad aderire a tali richieste.

ART. 16.—La Conferenza ed il Consiglio pronunciano le loro decisioni ispirandosi a criteri di equità e di convenienza politica, in modo da assicurare una giusta e stabile sistemazione di rapporti tra le Parti contendenti.

ART. 17.—Le deliberazioni di cui nel presente capo avranno piena efficacia quando siano adottate col voto favorevole di  $\frac{2}{3}$  dei votanti. La minoranza avrà sempre il diritto di redigere il proprio voto motivato, che sarà reso pubblico insieme con la decisione accolta.

Quando la maggioranza sia minore dei  $\frac{2}{3}$ , la deliberazione avrà valore di semplice raccomandazione alle Parti; la vertenza potrà in tal caso essere deferita dal Consiglio alla Conferenza e da questa ad una Conferenza successiva.

## CAPO II.—*Corte internazionale di giustizia*

ART. 18.—E' istituita all'Aja una "Corte internazionale di giustizia", composta di giudici nominati da tutti gli Stati contraenti.

Ogni Stato nomina un giudice. La nomina è fatta per sei anni, ma può sempre essere confermata.

ART. 19.—La Corte elegge nel suo seno ogni due anni un presidente e un vice-presidente. L'elezione è fatta a maggioranza di voti, con scrutinio segreto; in caso di parità di voti, dopo due scrutini, il più anziano di età si intende eletto.

ART. 20.—L'Ufficio della "Corte permanente di arbitrato" istituita dalla convenzione dell'Aja del 29 luglio 1899, per il regolamento pacifico dei conflitti internazionali, serve di cancelleria alla "Corte internazionale di giustizia."

ART. 21.—La Corte procede costituendosi in Sezioni per ogni giudizio. La Sezione è composta:

1° del presidente della Corte o, in caso d'impedimento, del vice-presidente;

2° di giudici scelti fra i membri della Corte, uno da ciascuna delle Parti contendenti;

3° di quattro giudici eletti dalla Corte a scrutinio segreto fra i suoi membri. Ogni membro vota per due nomi e s'intendono eletti i quattro che avranno riportato il maggior numero di suffragi; se però, stante il numero delle Parti, la Sezione risultasse costituita di un numero pari di membri, la Corte eleggerà cinque giudici e ogni membro voterà per tre nomi. In caso di parità di voti, il più anziano di età si intende eletto.

Se alcuna delle Parti non nomina il proprio giudice, sarà eletto anche questo dalla Corte a scrutinio segreto con votazione separata.

ART. 22.—La "Corte internazionale di giustizia" è competente a giudicare:

a) tutte le controversie che le Parti concordemente le sottopongano in base a regolare compromesso;

b) quelle che le sono deferite con domanda di una sola Parte in caso di rinvio dal Consiglio, a termini dell'art. 15 di questo atto; in tal caso, il compromesso non è necessario.

ART. 23.—Se la controversia è deferita alla Corte per mezzo di un compromesso, questo deve contenere l'indicazione del giudice scelto da ciascuna delle Parti. Il presidente convoca immediatamente la Corte, la quale procede all'elezione degli altri, secondo le disposizioni dell'articolo precedente.

Se la controversia è proposta con domanda di una Parte, la domanda conterrà la designazione del giudice da essa scelto. Il presidente farà notificare la domanda all'altra Parte, invitandola a designare il suo giudice entro un termine perentorio che non potrà eccedere trenta giorni. Ricevuta la designazione o trascorso il termine, il presidente convoca la Corte e questa procede all'elezione nel modo predetto.

ART. 24.—La Sezione non può essere modificata durante lo svolgimento del giudizio pel quale fu costituita. Venendo a man-

care uno dei giudici, sarà sostituito con un altro, scelto dalle Parti o eletto dalla Corte come quello di cui prende il posto. La sostituzione dev'essere fatta entro il piú breve termine possibile e in ogni caso non oltre trenta giorni dalla notificazione dell'avvenuta vacanza.

ART. 25.—Nel silenzio del compromesso, o in mancanza di questo, la Sezione stabilirá le regole di procedura tenendo conto delle circostanze speciali del caso. Quando non sia altrimenti disposto, si osserveranno quelle stabilite dalla convenzione dell'Aja del 18 ottobre 1907 per il regolamento pacifico dei conflitti internazionali, in quanto sieno applicabili.

La Sezione può delegare le funzioni istruttorie ad uno o piú dei suoi membri.

ART. 26.—Gli Stati contraenti si obbligano a dar corso alle rogatorie della "Corte internazionale di giustizia" concernenti notificazioni di atti o assunzioni di mezzi di prova, nei modi e con le forme ammesse dalle leggi locali.

### TITOLO III

#### DELLE SANZIONI

ART. 27.—Quando uno Stato non si uniformi a una decisione della Conferenza del Consiglio obbligatoria a norma dell'art. 17, o della Corte internazionale di giustizia, il Consiglio lo inviterá ad osservare gli obblighi impostigli, assegnandogli, ove occorra, un termine perentorio per la esecuzione.

ART. 28.—In caso di inadempienza, il Consiglio delibera quali provvedimenti siano da adottare, e ne dá immediata notificazione a tutti gli Stati contraenti, richiedendone l'esecuzione a tutti o ad alcuni di essi. Gli Stati designati son tenuti ad aderire alla richiesta ed a compiere tutto ciò che assicuri l'efficace attuazione del provvedimento.

Il rifiuto ingiustificato di aderire alla richiesta, e la tarda o insufficiente attuazione del provvedimento deliberato, esporranno lo Stato ai richiami del Consiglio che potrà, se del caso, prendere contro di esso adeguate disposizioni, a norma dell'articolo seguente.

ART. 29.—Le principali forme di sanzione sono:

- a) sospensione dei rapporti diplomatici da parte di tutti gli Stati contraenti;
- b) ritiro in tutti gli Stati dell'exequatur concesso agli agenti consolari;
- c) sospensione dell'efficacia di tutti o di alcuni trattati;
- d) imposizione di una indennità pecuniaria, o di una prestazione d'altra natura;
- e) sequestro dei beni mobili e immobili, posseduti dallo Stato nel territorio degli altri e rifiuto di soddisfazione di ogni suo credito;

f) divieti di ingresso e di soggiorno, espulsione, provvedimenti di polizia, a carico dei sudditi dello Stato inadempiente; provvedimenti restrittivi della loro attività economica e giuridica;

g) chiusura dei porti e rifiuto di fornitura delle materie prime, e dei prodotti necessarie alla vita economica;

h) esclusione dalla quotazione ufficiale, dei titoli e valori dello Stato inadempiente;

i) sequestro delle navi e dei carichi pertinenti allo Stato inadempiente o ai suoi cittadini, e delle merci a destinazione del medesimo, nei porti e nelle acque territoriali degli Stati contraenti (embargo);

j) divieto di traffici e isolamento economico parziale o totale (boicottaggio).

k) blocco marittimo, per mezzo delle forze navali designate dal Consiglio;

l) esclusione dalla Società degli Stati;

m) azione militare comune da parte degli stati investiti di mandato del Consiglio, (occupazioni territoriali, presa di possesso di uffici pubblici, ecc.).

Il Consiglio, potrà deliberare qualsiasi altra forma di coercizione, diretta o indiretta, che gli sembri idonea a vincere la resistenza dello Stato inadempiente.

ART. 30.—Quando lo Stato contro del quale la coercizione è diretta si dichiara disposto ad adempiere agli obblighi impostigli, il Consiglio potrà ordinare la revoca dei provvedimenti deliberati, salvo in ogni caso la facoltà di garantire nella forma più opportuna l'effettivo adempimento dell'impegno assunto e il risarcimento dei danni, da parte dello Stato colpevole.

ART. 31.—Qualora una delle Parti contraenti violi l'obbligo di cui all'art. 1., compiendo atti di ostilità prima che la Conferenza, il Consiglio o la Corte abbiano pronunciato la decisione, tutte le altre Parti contraenti si considereranno in stato di guerra con essa, e avranno facoltà di intervenire, congiuntamente o separatamente, nei modi che stimeranno più opportuni per la difesa della Parte aggredita.

Il Consiglio prenderà d'urgenza i provvedimenti necessari a norma dell'art. 28 del presente atto.

## TITOLO IV

### RAPPORTI CON GLI STATI NON CONTRAENTI

ART. 32.—Quando fra uno degli Stati contraenti e uno Stato che non sia tale sorgessero controversie che non fosse possibile risolvere per trattative amichevoli o per mezzo di giudizio arbitrale, sarà in facoltà del primo di rivolgersi al Consiglio, perchè interponga i suoi buoni uffici e, se questi non riescano, inviti lo Stato non contraente a sottoporre al Consiglio stesso la vertenza.

Se l'invito è accettato, si applicheranno le disposizioni che precedono, come se entrambi gli Stati fossero Parti contraenti in questo atto.

ART. 33.—Se lo Stato non accetta l'invito, o in caso di atti di ostilità compiuti contro uno degli Stati contraenti, senza che siano osservate le disposizioni del precedente articolo, il Consiglio, su domanda di quest, ultimo, esaminata la controversia, deciderà se ed a quali condizioni e in qual modo il detto Stato debba essere assistito dalle altre Parti contraenti.

### DISPOSIZIONI FINALI

ART. 34.—Un regolamento stabilirà il modo di provvedere alle spese occorrenti per la costituzione e la funzione degli organi internazionali previsti in questo atto, i diritti e i privilegi di coloro che vi appartengono, e le altre norme necessarie per l'attuazione delle disposizioni precedenti.

ART. 35.—Gli Stati, la costituzione dei quali si conforme ai principii posti a base del presente atto, potranno aderirvi, dichiarandone il proposito all'Ufficio di cui al l'art. 6., che ne darà immediata comunicazione a tutte le Parti. Se entro sei mesi dalla dichiarazione predetta non saranno pervenute all'Ufficio osservazioni in contrario, lo Stato che intende aderir sarà considerato senz'altro Parte contraente di questo atto.

Le osservazioni che pervenissero all'Ufficio entro quel termine saranno comunicate senza indugio al detto Stato ed alle Parti. Quando non fosse possibile risolvere altrimenti le controversie che ne derivassero, la questione sarà deferita al Consiglio, che deciderà nei modi stabiliti al titolo II.

ART. 36.—L'adesione implica accettazione piena e incondizionata di tutte le disposizioni di questo atto e del regolamento, come di tutti i provvedimenti già posti in essere in base ai medesimi fra le Parti.

ART. 37.—Quando, per il numero degli Stati che avranno aderito al presente atto, o per altri motivi, la Conferenza lo reputi opportuno, potrà essere modificato il numero dei componenti il Consiglio di cui all'art. 5, ferme stanti le proporzioni ivisitabilite.

ART. 38.—Le ratifiche di questo atto saranno depositate presso l'Ufficio di cui all'art. 5, che ne darà immediata comunicazione a tutte le Parti firmatarie.

Il presente atto entrerà in vigore 30 giorni dopo la data in cui . . . almeno fra gli Stati, firmatari, compresi tutti gli Stati promotori indicati nel preambolo di questo atto, avranno depositato le proprie ratifiche. Per gli Stati che lo ratificheranno in seguito, esso avrà effetto 30 giorni dopo il deposito dell'atto di ratifica; per gli Stati aderenti, 30 giorni dopo la data in cui la loro adesione sarà divenuta definitiva.

**British Amendments**

[*My comments on certain of the amendments appear with the text, in italics. See Vol. I, p. 153.*]

**AMENDMENTS PRESENTED BY THE BRITISH DELEGATES**

**AMENDEMENTS PROPOSÉS PAR LES DÉLÉGUÉS BRITANNIQUES**

**NOTE.**

Dans ces amendements les traductions du texte anglais ont été faites indépendamment de la traduction générale de ce texte déjà communiquée aux délégués français et, par conséquent, les phrases peuvent être différentes en certains cas.

**PREAMBLE.**

It may be preferable to postpone the consideration of the preamble until the end of the Commission's deliberations. In any case, it is suggested that the words "and in order to promote international co-operation" should be transferred to the beginning of the preamble, as follows: "In order to promote international co-operation and to secure international peace, etc."

**PRÉAMBULE.**

Il sera peut-être mieux d'ajourner la considération du préambule jusqu'à la fin des délibérations de la Commission. En tout cas il paraît préférable que les mots "et afin de favoriser la coopération internationale" soient transférés au commencement du préambule, comme suit: "Afin de favoriser la coopération internationale et d'assurer la paix internationale," etc.

**ARTICLE II.**

In the second paragraph for the words "not more than two representatives" down to the end of the third paragraph, substitute the words "the Ambassadors or Ministers of the High Contracting Parties at.....unless other representatives are specially appointed for this purpose."

After the words "body of delegates" in the fourth paragraph of Article II, insert in each case the words "or the Executive Council." In consequence, this paragraph should be transferred to Article III as a fourth paragraph of that article.

For the words "Those present" at the end of the same paragraph, substitute the words "the States represented."

## ARTICLE II.

Au deuxième alinéa, pour les mots "pas plus de deux représentants" jusqu'à la fin du troisième alinéa, substituez les mots "les ambassadeurs ou ministres des Puissances signataires à . . . . , à moins que d'autres représentants ne soient nommés à ce propos."

Au quatrième alinéa, après les mots "assemblée des Délégués," ajoutez les mots "ou du Conseil Exécutif" et "ou par le Conseil Exécutif." Par conséquent, cet alinéa doit être transféré à l'Article III comme quatrième alinéa de cet article.

A la fin du même alinéa, pour les mots "de ceux présents" substituez les mots "des états représentés."

## ARTICLE III.

Omit the first word "the."

At the end of the first paragraph insert the words "and at least once a year."

For the words at the end of the second paragraph "a State which was not invited to be represented at the meeting" substitute the words "such Power unless so invited."

## ARTICLE III.

Pour le premier mot "les" substituez "des."

A la fin du premier alinéa ajoutez les mots "et au moins une fois par an."

A la fin du deuxième alinéa, pour les mots "un état qui n'avait pas été invité à assister à la séance," substituez les mots: "telle puissance à défaut d'une telle invitation."

## ARTICLE IV.

At the end of the first paragraph insert the words "subject to confirmation by the Executive Council."

*This is unimportant.*

## ARTICLE IV.

A la fin du premier alinéa ajoutez les mots: "réserve faite au Conseil Exécutif du droit de confirmer ses nominations."

## ARTICLE VI.

For the second paragraph substitute the following after the word "Delegates": "and by a like majority the League may impose on any States seeking admission such conditions as it may think fit."

*This changes the specific provision as to limitation of armaments, on a new member State, to a general provision giving the right to impose conditions.*

*This would change the matter of conditions to the discretion of the Body of Delegates instead of leaving the specific provision that the armaments of a new State must conform to the standards prescribed by the League from time to time.*

#### ARTICLE VI.

Pour le deuxième alinéa substituez les mots suivants, après le mot "Délégués": "et par la même majorité la Ligue aura le droit d'imposer à un état qui demande à entrer dans la Ligue les conditions qu'elle jugera convenables."

#### ARTICLE VII.

Strike out the words: "and preserve as against external aggression" (*this takes out any responsibility of one State for the acts of another*), and insert at the end the following words: "subject, however, to provision being made by the body of delegates for the periodic revision of treaties which have become obsolete and of International conditions, the continuance of which may endanger the Peace of the world."

*This provision while vague is very dangerous. Clearly, the Body of Delegates cannot have power to revise treaties. Only the States themselves can revise their own treaties.*

*Further, if this provision is effective at all, it will limit the obligation of one State even to respect the integrity and independence of another.*

#### ARTICLE VII.

Omettez les mots "et de protéger contre l'agression extérieure," et ajoutez à la fin les mots suivants: "réserve faite à l'Assemblée des Délégués du devoir de veiller à la revision périodique de traités tombés en désuétude et de relations internationales dont le maintien pourrait menacer la paix mondiale."

#### ARTICLE XI.

At the end insert the following new paragraph: "For this purpose the Court of arbitration to which the case is referred shall be the Court agreed on by the parties or stipulated in any Convention existing between them."

*There seems to be no objection to this provision.*

## ARTICLE XI.

A la fin ajoutez un nouvel alinéa, comme suit: "Dans ces cas, le tribunal d'arbitrage auquel le litige doit être soumis sera celui convenu entre les parties ou stipulé dans une Convention en vigueur entre elles."

## ARTICLE XIII.

At the end of the first paragraph insert the words: "And the Executive Council may forthwith direct the publication thereof."

*This simply gives the Executive Council the power of publicity.*

## ARTICLE XIII.

A la fin du premier alinéa ajoutez les mots: "et le Conseil Exécutif aura le droit de les faire publier immédiatement."

## ARTICLE XIV.

For the words at the beginning: "be found by the League to have broken or disregarded" substitute the words: "break or disregard."

*This is a very important amendment. The question of whether a State has or has not broken the Covenant is one which is of the utmost importance and one which may be and very likely often will be in dispute. To say that a State will incur certain penalties if it breaks a Covenant, without saying how it shall be determined whether it has broken them or not, or even that it shall be determined, would leave the question entirely in the air. Under the provision as amended, States A and B might each claim that the troops of the other had crossed the frontier first, and consequently each would claim that it was engaged in a war of defense.*

## ARTICLE XIV.

Au commencement, pour les mots: "Dans le cas où la Ligue trouvera qu'une des Puissances signataires aura violé ou aura manqué à ses engagements," substituez les mots "Si une des Puissance signataires viole où manque à ses engagements."

(SECOND SERIES.)  
(DEUXIÈME SÉRIE.)

## NOTE.

Dans ces amendements les traductions du texte anglais ont été faites indépendamment de la traduction générale de ce texte et par conséquent, les phrases peuvent être différentes en certains cas.

Article xv.—After the words:—"become *ad hoc* members of the League" insert the words "Upon such conditions as the Executive Council may deem just."

Article xv.—Après les mots "à devenir membres de la Ligue *ad hoc*" ajoutez les mots "sous les conditions que le Comité Exécutif jugera justes."

Article xvi.—Add at the end the words "as hereinafter provided."

Article xvi.—Ajoutez à la fin les mots "conformément aux stipulations ci-dessous précisées."

Article xvii.—Substitute the following text:—

(a) To the colonies formerly part of the German Empire, and to those territories formerly belonging to Turkey which include Armenia, Kurdistan, Syria, Mesopotamia, Palestine and Arabia, which are inhabited by peoples not able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in the constitution of the League.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and that this tutelage should be exercised by them as mandataries on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

(b) Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a mandatory power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory power.

Other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory subject to conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military

training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other members of the League.

There are territories, such as South-west Africa and certain of the Islands in the South Pacific, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the mandatory state, and other circumstances, can be best administered under the laws of the mandatory state as if integral portions thereof, subject to the safeguards above-mentioned in the interests of the indigenous population.

(c) In every case of mandate, the mandatory state shall render to the League an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory State shall if not previously agreed upon by the H.C.P. in each case be explicitly defined by the Executive Council in a special Act or Charter.

The H.C.P. further agree to establish at the seat of the League a Mandatory Commission to receive and examine the annual reports of the Mandatory Powers, and to assist the League in ensuring the observance of the terms of all Mandates.

Article xvii.—Substituer le texte suivant :

(a) Le principe suivant doit être appliqué aux colonies qui faisaient autrefois partie de l'Empire Allemand, et aux territoires qui appartenaient autrefois à l'Empire Turc, y comprenant l'Arménie, le Kurdistan, la Syrie, la Mésopotamie, la Palestine et l'Arabie, qui sont habités, par des peuples incapables de se diriger eux-mêmes dans les conditions particulièrement difficiles du monde moderne. Le bien-être et le développement de ces peuples forment une mission sacrée de civilisation et il convient, en constituant la Société des Nations, d'y incorporer des gages pour l'accomplissement de cette mission.

La meilleure méthode de réaliser pratiquement ce principe est de confier la tutelle de ces peuples aux nations développées qui en raison de leurs ressources, de leur expérience ou de leur position géographique, sont le mieux à même d'assumer cette responsabilité, elles exerceraient cette tutelle en qualité de mandataires et au nom de la Ligue des Nations.

Le caractère du mandat doit différer suivant le degré de développement du peuple, la situation géographique du territoire, ses conditions économiques et toutes autres circonstances analogues.

(b) Certaines communautés qui appartenaient autrefois à l'Empire Turc ont atteint un degré de développement tel que leur existence comme nations indépendantes peut être reconnue provisoire-

ment, à la condition que les conseils et l'aide d'une Puissance mandataire guident leur administration jusqu'au moment où elles seront capables de se conduire seules. Les vœux de ces communautés doivent être pris en première considération pour le choix de la Puissance mandataire.

Le degré de développement où se trouvent d'autres peuples, spécialement ceux de l'Afrique Centrale, exige que le mandataire y assume l'administration du territoire à des conditions qui garantiront, avec la prohibition d'abus tels que la traite des esclaves, le trafic des armes et celui de l'alcool, la liberté de conscience et de religion, sans autres limitations que celles que peut imposer le maintien de l'ordre et des mœurs publiques, et l'interdiction d'établir des fortifications ou des bases militaires ou navales, et de donner aux indigènes une instruction militaire si ce n'est pour la police ou la défense du territoire, et qui assureront également aux autres membres de la Ligue des Nations des conditions d'égalité pour les échanges et le commerce.

Enfin il y a des territoires, tels que le Sud-Ouest africain et certaines îles du Sud-Pacifique qui, par suite de la faible densité de leur population, de leur superficie restreinte, de leur éloignement des centres de civilisation, de contiguïté géographique à l'Etat mandataire, ou d'autres circonstances, ne sauraient être mieux administrés qu'en étant soumis aux lois de l'Etat mandataire comme partie intégrante de cet Etat, sous réserve des garanties prévues plus haut dans l'intérêt de la population indigène.

(c) Dans tous les cas, l'Etat mandataire devra envoyer à la Ligue des Nations un rapport annuel concernant les territoires commis à sa charge.

Si le degré d'autorité, de contrôle ou d'administration à exercer par l'Etat mandataire n'a pas été convenu antérieurement entre les H.I.C., il sera explicitement précisé par le Conseil Exécutif dans un acte ou dans une charte spéciale.

Les H.P.C. sont d'accord pour établir au siège de la Société une Commission Mandataire qui recevra et examinera les rapports annuels des Puissances mandataires et qui aidera la Société à assurer l'observation des stipulations de tous les mandats.

(THIRD SERIES.)

(TROISIÈME SÉRIE.)

Article XVIII.—Substitute the following text:

The H.C.P. will endeavour to secure and maintain fair and humane conditions of labour both in their own countries and in all countries to which their commercial and industrial relations extend;

and to that end agree to establish as part of the organisation of the League a permanent Conference and Labour office in accordance with the provisions of the Convention annexed hereto, and to adopt and be bound by all other provisions contained therein.

Article XVIII.—Substituer le texte suivant :

Les H.P.C. s'efforceront à établir et à maintenir des conditions de travail équitables et humanitaires dans leurs propres territoires ainsi que dans tous les territoires auxquels s'étendent leurs relations commerciales et industrielles. Dans ce but elles sont d'accord pour établir, comme partie de l'organisation de la société une Conférence permanente et un Bureau de Travail, selon les stipulations de la Convention ci-annexée, et pour adopter et s'engager à toutes les autres stipulations de cette convention.

Article XIX.—Substitute the following text:

Recognising religious persecution and intolerance as fertile sources of war, the H.C.P. agree that political unrest arising therefrom is a matter of concern to the League and authorise the Executive Council wherever it is of opinion that the peace of the world is threatened by the illiberal action of the Government of any State towards the adherents of any particular creed, religion or belief to make such representations or take such other steps as will put an end to the evil in question.

Article XIX.—Substituer le texte suivant :

Les H.P.C. reconnaissant dans la persécution et l'intolérance religieuses des sources fertiles de la guerre, sont d'accord pour déclarer que la Société des Nations a le droit de s'intéresser aux commotions politiques qui en découlent, et dans le cas où le Comité Exécutif trouvera que la paix mondiale est menacée par l'action illibérale du Gouvernement d'un État à l'égard de ceux qui confessent une foi, religion ou croyance quelconque, les H.P.C. autorisent le Comité à faire des représentations ou à prendre les mesures qui mettront fin à l'abus en question.

Article XXIII.—Add an article as follows:

"Amendments to the constitution and functions of the League can be made by a unanimous vote of the Executive Council confirmed by a majority of the Body of Delegates."

Article XXIII.—Ajouter un article comme suit :

"La constitution et les fonctions de la Société peuvent être amendées par un vote du Comité Exécutif à l'unanimité, confirmé par une majorité de l'assemblée des Délégués."

Article xxiv.—Add an article as follows:

“The body of delegates shall make provision for the periodic revision of treaties which have become obsolete and of International conditions, the continuance of which may endanger the Peace of the world.”

Article xxiv.—Ajouter un article comme suit:

“L’Assemblée des Délégués aura le devoir de veiller à la revision périodique de traités tombés en désuétude et de relations internationales dont le maintien pourrait menacer la paix mondiale.”

**Plenary Session of the Peace Conference, February 14, 1919**

PRELIMINARY PEACE CONFERENCE

PROTOCOL NO. 3

PLENARY SESSION OF FEBRUARY 14, 1919

The session is opened under the presidency of M. Clemenceau, President, at 15:30 o'clock (3:30 p. m.).

*Present:*

FOR THE UNITED STATES OF AMERICA:

The President of the United States.  
Honorable Robert Lansing.  
Honorable Henry White.  
Honorable Edward M. House.  
General Tasker H. Bliss.

FOR THE BRITISH EMPIRE:

*(Great Britain)*

The Rt. Hon. A. J. Balfour.  
The Rt. Hon. the Viscount Milner, G.C.B., G.C.M.G., Secretary  
of State for the Colonies.  
The Rt. Hon. G. N. Barnes.  
The Rt. Hon. Arthur Lewis Sifton.  
The Rt. Hon. Sir Joseph Ward (Bart.).  
The Rt. Hon. the Lord Robert Cecil, Technical Delegate for the  
League of Nations.

DOMINIONS AND INDIA:

*(Canada)*

The Rt. Hon. Sir Robert Borden.  
The Rt. Hon. Sir George Eyles Foster.

*(Australia)*

The Rt. Hon. W. M. Hughes.  
The Rt. Hon. Sir Joseph Cook.

*(South Africa)*

Lt. General the Rt. Hon. J. C. Smuts.

*(New Zealand)*

The Rt. Hon. W. F. Massey.

*(India)*

Major-General His Highness the Maharaja of Bikanir.

## FRANCE:

M. Clemenceau.  
M. Pichon.  
M. L. L. Klotz.  
M. André Tardieu.  
M. Jules Cambon.  
M. Léon Bourgeois, Technical Delegate for the League of Nations.

## ITALY:

M. V. E. Orlando.  
Baron S. Sonnino.  
The Marquis Salvago Raggi.  
M. Crespi, Minister of Food (replacing M. Antonio Salandra).  
M. Scialoja, Technical Delegate for the League of Nations.

## JAPAN:

The Baron Makino.  
The Viscount Chinda.  
M. K. Matsui.  
M. H. Ijuin.

## BELGIUM:

M. Hymans.  
M. Van den Heuvel.

## BOLIVIA:

M. Ismael Montes.

## BRAZIL:

M. Epitacio Pessoa, Former Minister of State, Former Minister of the Supreme Court of Justice, Federal Senator.  
M. Olyntho de Magalhaes.  
M. Raoul Fernandes, Deputy.

## CHINA:

M. Vikiyun Wellington Koo, Envoy Extraordinary and Minister Plenipotentiary of China at Washington.  
M. Sao Ke Alfred Sze, Envoy Extraordinary and Minister Plenipotentiary of China at London.

## CUBA:

M. Antonio Sanchez de Bustamante.

## ECUADOR:

M. Dorn y de Alsua.

## GREECE :

M. Eleftherios Veniselos.  
M. Nicolas Politis.

## HAITI :

M. Tertullien Guilbaud, Envoy Extraordinary and Minister Plenipotentiary of Haiti at Paris.

## THE HEDJAZ :

His Highness the Emir Feisal.  
M. Rustem Haidar.

## LIBERIA :

Hon. C. D. B. King, Secretary of State.

## PANAMA :

M. Antonio Burgos, Envoy Extraordinary and Minister Plenipotentiary of Panama at Madrid.

## POLAND :

M. Roman Dmowski.  
Dr. Casimir Dluski.

## PORTUGAL :

Dr. Egas Moniz.  
M. Jayme Batalha Reis.

## ROUMANIA :

M. Jean C. Bratiano.  
M. Nicholas Misu.

## SERBIA :

M. Trumbitch.  
M. Vesnitch.  
M. Ivan Zolger, Professor of the Faculty of Law at the University of Zagreb.

## SIAM :

Prince Traidos Prahandhu, Under Secretary of State for Foreign Affairs.  
M. Phya Bibadh Kosha.

## THE CZECHO-SLOVAK REPUBLIC :

M. Charles Kramar.  
M. Edouard Benes, Minister of Foreign Affairs.

## URUGUAY:

M. Juan Carlos Blanco, Envoy Extraordinary and Minister Plenipotentiary of Uruguay at Paris.

The Minutes of the Sessions of 18th and 25th of January, 1919 (Protocols Nos. 1 and 2) are passed.

The Agenda Paper provides for the submission to the Conference of the Report of the League of Nations Commission on its labors.

The President of the United States delivers the following speech:

Mr. Chairman:

I have the honor, and, as I esteem it, the very great privilege of reporting, in the name of the Commission constituted by this Conference, on the formulation of a plan for the League of Nations. I am happy to say that it is a unanimous report, a unanimous report from the Representatives of fourteen nations—the United States, Great Britain, France, Italy, Japan, Belgium, Brazil, China, Czecho-Slovakia, Greece, Poland, Portugal, Roumania, and Serbia. I think it will be serviceable and interesting if, with your permission, I read the document as the only report which we have to make. (See Annex A.)<sup>1</sup>

President Wilson then reads out the draft Covenant, and comments on Articles 15 and 19 in the following terms:

After reading Article 15, President Wilson adds:

I pause to point out that a misconception might arise in connection with one of the sentences which I have just read: "If any party shall refuse to so comply, the Council shall propose the measures necessary to give effect to the recommendation." A case in point, a purely hypothetical case, is this: suppose that there is in the possession of a particular Power a piece of territory or some other substantial thing in dispute to which it is claimed that the Power in question is not entitled; suppose that the matter is submitted to the Executive Council for a recommendation as to the settlement of the dispute, diplomacy having failed; and suppose that the decision is in favor of the party which claims the subject matter of dispute as against the party which *has* the subject matter in dispute. Then, if the party in possession of the subject matter in dispute merely sits still and does nothing, it has accepted the decision of the Council, in the sense that it makes no resistance; but something must be done to see that it surrenders the subject matter in dispute. In such a case, the only case contemplated, it is provided that the Executive Council may then consider what steps may be necessary to oblige the party against whom judgment has gone to comply with the decisions of the Council.

<sup>1</sup> Not annexed. For the text of the Covenant of February 14, see Annex to the minutes of the Tenth Meeting of the Commission in Document 19.

President Wilson makes the following observations in regard to Article 19:

Let me say before reading Article 19, that before being embodied in this document it was the subject matter of a very careful discussion by Representatives of the five greater parties, and that their unanimous conclusion in the matter is embodied in this Article.

After reading the entire document, President Wilson says:

It gives me pleasure to add to this formal reading of the result of our labors that the character of the discussion which occurred at the sittings of the Commission was not only of the most constructive but of the most encouraging sort. It was obvious throughout our discussions that, although there were subjects upon which there were individual differences of judgment, with regard to the method by which our objects should be attained, there was practically at no point any serious difference of opinion or motive as to the objects which we were seeking. Indeed, while these debates were not made the opportunity for the expression of enthusiasms and sentiments, I think the other members of the Commission will agree with me that there was an undertone of high resolve and of enthusiasm for the thing we were trying to do, which was heartening throughout every meeting, because we felt that in a way this Conference had entrusted to us the expression of one of its highest and most important purposes, to see to it that the concord of the world in the future with regard to the objects of justice should not be subject to doubt or uncertainty; that the cooperation of the great body of nations should be assured from the first in the maintenance of peace upon the terms of honor and of strict regard for international obligation. The compulsion of that task was constantly upon us, and at no point was there shown the slightest desire to do anything but suggest the best means to accomplish that great object. There is very great significance, therefore, in the fact that the result was reached unanimously. Fourteen nations were represented, among them all of those Powers which for convenience we have called the Great Powers, and among the rest a representation of the greatest variety of circumstance and interest. So that I think we are justified in saying that it was a representative group of the Members of this great Conference. The significance of the result, therefore, has that deepest of all meanings, the union of wills in a common purpose, a union of wills which cannot be resisted, and which I dare say no nation will run the risk of attempting to resist.

Now as to the character of the Covenant. While it has consumed some time to read this document, I think you will see at once that it is, after all, very simple, and in nothing so simple as in the structure which it suggests for the League of Nations, a Body of Delegates, an Executive Council, and a Permanent Secretariat. When it came to the question of determining the character

of the representation in the Body of Delegates, we were all aware of a feeling which is current throughout the world. Inasmuch as I am stating it in the presence of official Representatives of the various Governments here present, including myself, I may say that there is a universal feeling that the world cannot rest satisfied with merely official guidance. There reached us through many channels the feeling that if the deliberative body of the League was merely to be a body of officials representing the various Governments, the peoples of the world would not be sure that some of the mistakes which preoccupied officials had admittedly made might not be repeated. It was impossible to conceive a method or an assembly so large and various as to be really representative of the great body of the peoples of the world, because, as I roughly reckon it, we represent as we sit around this table more than twelve hundred million people. You cannot have a representative assembly of twelve hundred million people; but if you leave it to each Government to have, if it pleases, one or two or three representatives, though only a single vote, it may vary its representation from time to time; not only that, but it may originate the choice of its several representatives, if it should have several, in different ways. Therefore, we thought that this was a proper and a very prudent concession to the practically universal opinion of plain men everywhere, in that they wanted the door left open to a variety of representation instead of being confined to a single official body with which they might or might not find themselves in sympathy.

You will notice also that this body has unlimited rights of discussion—I mean of discussion of anything that falls within the field of international relationship—and that it is specially agreed that war or international misunderstandings or anything that may lead to friction and trouble is everybody's business, because it may affect the peace of the world. In order to safeguard, so far as we could, the popular power of this representative body, it is provided, you will notice, that when a subject is submitted, not to arbitration, but to discussion by the Executive Council, it can upon the initiative of either one of the parties to the dispute be drawn out of the Executive Council into the larger forum of the General Body of Delegates; because throughout this instrument we are depending primarily and chiefly upon one great force, and that is the moral force of the public opinion of the world, the cleansing and clarifying and compelling influences of publicity; so that intrigues can no longer have their coverts, so that designs that are sinister can at any time be drawn into the open, so that those things that are destroyed by the light may be promptly destroyed by the overwhelming light of the universal expression of the condemnation of the world.

Armed force is in the background in this programme, but it is in the background, and if the moral force of the world will not suffice, the physical force of the world shall. But that is the last resort, because this is intended as a constitution of peace, not as a League of War.

The simplicity of the document seems to me to be one of its

chief virtues, because, speaking for myself, I was unable to foresee the variety of circumstances with which this League would have to deal. I was unable, therefore, to plan all the machinery that might be necessary to meet differing and unexpected contingencies. Therefore, I should say of this document that it is not a straightjacket, but a vehicle of life. A living thing is born, and we must see to it that the clothes we put upon it do not hamper it, a vehicle of power, but a vehicle in which power may be varied at the discretion of those who exercise it and in accordance with the changing circumstances of the time. And yet, while it is elastic, while it is general in its terms, it is definite in the one thing that we were called upon to make definite. It is a definite guarantee of peace. It is a definite guarantee by word against aggression. It is a definite guarantee against the things which have just come near bringing the whole structure of civilization into ruin. Its purposes do not for a moment lie vague. Its purposes are declared and its powers made unmistakable.

It is not in contemplation that this should be merely a League to secure the peace of the world. It is a League which can be used for cooperation in any international matter. That is the significance of the provision introduced concerning labor. There are many ameliorations of labor conditions which can be effected by conference and discussion. I anticipate that there will be a very great usefulness in the Bureau of Labor which it is contemplated shall be set up by the League. While men and women and children who work have been in the background through long ages, and sometimes seemed to be forgotten, while Governments have had their watchful and suspicious eyes upon the manœuvres of one another, while the thought of statesmen has been about structural action and the large transactions of commerce and of finance, now, if I may believe the picture which I see, there comes into the foreground the great body of the laboring people of the world, the men and women and children upon whom the great burden of sustaining the world must from day to day fall, whether we wish it to do so or not; people who go to bed tired and wake up without the stimulation of lively hope. These people will be drawn into the field of international consultation and help, and will be among the wards of the combined Governments of the world. There is, I take leave to say, a very great step in advance in the mere conception of that.

Then, as you will notice, there is an imperative article concerning the publicity of all international agreements. Henceforth no member of the League can claim any agreement as valid which it has not registered with the Secretary General, in whose office, of course, it will be subject to the examination of anybody representing a member of the League; and the duty is laid upon the Secretary General to publish every document of that sort at the earliest possible time. I suppose most persons who have not been conversant with the business of Foreign Offices do not realize how many hundreds of these agreements are made in a single year, and how difficult it might be to publish the more unimportant of

them immediately, how uninteresting it would be to most of the world to publish them immediately, but even they must be published just as soon as it is possible for the Secretary General to publish them.

Then there is a feature about this Covenant which to my mind is one of the greatest and most satisfactory advances that have been made. We are done with annexations of helpless people, meant in some instances by some Powers to be used merely for exploitation. We recognize in the most solemn manner that the helpless and undeveloped peoples of the world, being in that condition, put an obligation upon us to look after their interests primarily before we use them for our interest, and that in all cases of this sort hereafter it shall be the duty of the League to see that the nations which are assigned as the tutors and advisers and directors of those peoples, shall look to their interest and to their development before they look to the interest and material desires of the mandatory nation itself. There has been no greater advance than this, gentlemen. If you look back upon the history of the world you will see how helpless peoples have too often been a prey to Powers that had no conscience in the matter. It has been one of the many distressing revelations of recent years that the great Power which has just been happily defeated put intolerable burdens and injustices upon the helpless people of some of the Colonies which it annexed to itself; that its interest was rather their extermination than their development; that the desire was to possess their land for European purposes, and not to enjoy their confidence in order that mankind might be lifted in those places to the next higher level. Now, the world, expressing its conscience in law, says there is an end of that. Our consciences shall be applied to this thing. States will be picked out which have already shown that they can exercise a conscience in this matter, and under their tutelage the helpless peoples of the world will come into a new light and into a new hope.

So I think I can say of this document that it is at one and the same time, a practical document and a humane document. There is a pulse of sympathy in it. There is a compulsion of conscience throughout it. It is practical, and yet it is intended to purify, to rectify, to elevate. And I want to say that, so far as my observation instructs me, this is in one sense a belated document. I believe that the conscience of the world has long been prepared to express itself in some such way. We are not just now discovering our sympathy for these people and our interest in them. We are simply expressing it, for it has long been felt, and in the administration of the affairs of more than one of the great States represented here, so far as I know of all the great States represented here, that humane impulse has already expressed itself in their dealings with their Colonies, whose peoples were yet at a low stage of civilization. We have had many instances of Colonies lifted into the sphere of complete self-government. This is not the discovery of a principle. It is the universal application of a principle. It is the agreement of the great nations which have tried

to live by these standards in their separate administrations to unite in seeing that their common force and their common thought and intelligence are lent to this great and humane enterprise. I think it is an occasion, therefore, for the most profound satisfaction that this humane decision should have been reached in a matter for which the world has long been waiting, and until a very recent period thought that it was still too early to hope.

Many terrible things have come out of this war, gentlemen, but some very beautiful things have come out of it. Wrong has been defeated, but the rest of the world has been more conscious than it ever was before of the majesty of Right. People who were suspicious of one another can now live as friends and comrades in a single family, and desire to do so. The miasma of distrust, of intrigue, is cleared away. Men are looking eye to eye and saying: "We are brothers and have a common purpose. We did not realize it before, but now we do realize it, and this is our Covenant of fraternity and of friendship."

Lord Robert Cecil (Great Britain) expressing the views of the British Empire Delegation, delivers the following speech:

Mr. President and Gentlemen:

I rejoice very much that the course which has been taken this afternoon has been pursued. It seems to me a good omen for the great project in which we are engaged, that before its final completion it should have been published to the world and laid before all its people for their advice and for their criticism. The President spoke of the spirit which animated the Commission over which he presided with such distinction. I gladly bear my testimony to the complete accuracy, both in letter and in spirit, of everything which he said about it. It was indeed a pleasure to serve with such colleagues, and but for the common purpose and the common devotion to that purpose, it would have been impossible for us to have accomplished the task set before us within the time which was given to us. For, after all, the problem which we were engaged in solving was one of great difficulty. As I see it, it was to devise some really effective means of preserving the peace of the world consistently with the least possible interference with national sovereignty. You have heard the Covenant, and it is unnecessary for me to dwell on it in detail. It is enough to say that we have sought to safeguard the peace of the world by establishing certain principles. The first and chiefest of them is that no nation shall go to war with any other nation until every other possible means of settling the dispute shall have been fully and fairly tried.

Secondly, we lay down that, under no circumstances, shall any nation seek forcibly to disturb the territorial settlement to be arrived at as the consequence of this peace or to interfere with the political independence of any of the States in the world.

Those are the two great precepts which we seek to lay down for the government of international relations, and we have recog-

nized that if those principles are really to be acted upon, we must go one step further and lay it down that no nation must retain armaments on a scale fitted only for aggressive purposes. I do not doubt that the working out of that principle will be difficult, but it is laid down clearly in this document, and the organs of the League are entrusted with the duties of producing for the consideration and support of the Governments of the world a workable scheme for carrying it into effect. And, finally, we have thought that if the world is to be at peace, it is not enough to forbid war. We must do something more than that. We must try to substitute for the principle of international competition, that of international co-operation, and you will find at the end of this document a number of clauses which point out some of the various respects in which the world can better discharge its duties by the co-operation of each nation for purposes which are beneficial to the whole of them. They are examples of what may be done. There are many omissions. There is one clause which points out that future efforts at international co-operation shall all be made subject to and connected with the League of Nations. Certainly, I should hope that there are many questions, such as the opium trade, the white slave traffic and, in another order of ideas, the regulation of the rules of the air, which, besides those mentioned in this document, call earnestly for effective international co-operation. Certain it is that if we can once get the nations of the world into the habit of co-operating with one another, you will have struck a great blow at the source and origin of all or almost all the world wars which have defaced the history of the world. Those, I believe, are the principles on which we have relied for the safeguarding of peace, and as to national sovereignty we have thought, in the first place, that the League should not in any respect interfere with the internal affairs of any nation. I do not regard the clause which deals with labor as any such interference. For this is quite certain, that no real progress in ameliorating the conditions of labor can be hopeful except by international agreement. Therefore, although in a sense the conditions of labor in a country are a matter of internal concern, yet, under the conditions under which we now live, that is not so in truth, and bad conditions of labor in one country operate with fatal effect in depressing conditions of labor in another.

Secondly, we have laid down, and this is the great principle in all action, whether of the Executive Council, or of the Body of Delegates, except in very special cases and for very special reasons which are set out in the Covenant, all action must be unanimously agreed to in accordance with the general rule that governs international relations. That that will, to some extent, in appearance at any rate, militate against the rapidity of action of the organs of the League, is undoubted but, in my judgment, that defect is far more than compensated by the confidence that it will inspire that no nation, whether small or great, need fear oppression from the organs of the League.

Gentlemen, I have little more to say. The President has

pointed out that the frame of the organization suggested is very simple. He has alluded to some respects in which some may think it might have been more elaborate, but I agree with him that simplicity is the essence of our plans. We are not seeking to produce for the world a building finished and complete in all respects. To have attempted such a thing would have been an arrogant piece of folly. All we have tried to do, all we have hoped to do, is to lay soundly and truly, the foundations upon which our successors may build. I believe those foundations have been well laid and it depends upon those who come after us what will be the character and stability of the building erected upon them. If it is merely a repetition of the old experiments of alliance, if we are merely to have a new version of the Holy Alliance, designed for however good a purpose, believe me, Gentlemen, our attempt is doomed to failure. Nor must it be merely an unpractical effort in international dialectics. It must be a practical thing, instinct, and this is the real point, instinct with a genuine purpose to achieve the main objects we have in view. And if those who build on these foundations really believe that the interest of one is the interest of all, and that the prosperity of the world is bound up with the prosperity of each nation that makes it up, that goes to compose the family, then and then only will the finished structure of the League of Nations be what it ought to be, a safety and a glory for the humanity of the world.

M. Orlando (Italy), speaking in French, expresses the views of the Italian Delegation in the following speech:

If I had only intended to take part in this debate in order to express my deep satisfaction at having been able to collaborate in the first draft of the document which has been laid before you, I venture to hope that my feelings would nevertheless have seemed justified, seeing that we all await, with fervent faith, as a result of this act, a rebirth of the whole world the like of which history has never seen. But the object of this debate is to submit to examination by the public opinion of the world a new international order. I should like, then, to make my modest contribution to its discussion by supplementing the explanations made by my colleagues by a few remarks not relating to the general spirit of the act, for that has been explained by the man who has the highest and noblest title for the task, a title before which we all bow; nor even relating to fundamental principles, which Lord Robert Cecil set forth both forcibly and clearly. I will rather say a few words on the general method by which we have pursued our work. The task was incomparably difficult. We started from two absolute principles which *a priori* it might seem dialectically impossible to reconcile with one another. On the one hand the principle of the sovereignty of States, which is supreme and brooks no comparison or relation, and on the other the necessity of imposing from above a restraint on the conduct of States so that the sphere of their rights should harmonize with that of the

rights of all the others, in order that their liberty should not include the liberty to do evil. We were able to effect a reconciliation between these two principles on the basis of "self-constraint," a spontaneous coercion, so that states will in future be brought, under the control of the public opinion of the whole world, voluntarily to recognize the restraint imposed on them for the sake of universal peace. I know that even the possibility of such a transformation is the object of attacks by sceptics, who are by turns sad or ironical, according to their temperament. Towards these sceptics I will act like a Greek philosopher who, when a Sophist told him that he could not move, answered by getting up and walking. The possibility of this spontaneous and collective admission of a higher interest has been proved to us in effect by the work on the Commission in which I have had the honor to take part. Itself, it was a Committee of a League of Nations; eminent statesmen represented there the views and interests of the most different peoples, living on all the continents of the globe, and found themselves face to face with the gravest problems, the solution of which might have made the boldest revolutionary hesitate.

Nevertheless, agreement has been reached, and that in a relatively rapid and simple manner. This agreement has come into existence as the result of loyal discussion which has brought out the difficulties of the different solutions and pointed to the wisest, sometimes in the direction of the greatest good and sometimes in that of the least evil. But occasionally, in the most thorny and difficult cases, it has been possible to reach an agreement by an adjournment during which a solution of the doubt which appeared to us impossible ripened in our consciences, just as in the course of time the seed ripens in the deep soil. So it has been in such cases and so it will always be in the future. We offer to the world to-day not only a great idea, but the proof of a tangible reality.

Allow me to add that this miracle has been rendered possible by the subtle and mysterious action of that generous blood which has bathed the earth in streams, of that infinite mourning which all humanity has borne.

After wars, monuments have been set up on which have been inscribed the names of the fallen brave. Alas, the most gigantic buildings, the ancient Pyramids of Egypt themselves, could not give room enough for the names of the millions of mortals who have given their lives for the freedom of the world. I think that a more lasting monument will be set up to their memory through the acts performed to-day by the peoples called by a great and mournful destiny to fight for so great a cause. This charter of freedom and life was born of grief and proclaims a redemption hallowed by sacrifice.

M. Léon Bourgeois (France), speaking in French, expresses the views of the French Delegation in the following speech:

Gentlemen, you will permit me, as the representative of the French Delegation, to express in my turn the deep satisfaction

which we all feel, and France perhaps yet more deeply than other nations, because she is one of those that has suffered most, at the union of our minds and wills in the act of mutual faith by which we pledge our enthusiastic adhesion to the principle and the constitution of the League of Nations. We perform this act of mutual faith and we thank the Commission of which we have been members for the care, the zeal and the spirit of good understanding and cordiality with which it has undertaken and completed its labors under the distinguished impulse which President Wilson has given.

Our colleague, Lord Robert Cecil, said just now that the Commission was laying this document before you not so much as a final result but rather as a work conscientiously prepared and carefully submitted to all of you for examination; more especially is it submitted as from to-day, since the Draft is about to become public, to the judgment, the comment and perhaps even the criticism of public opinion throughout the world. We have been unanimous in adopting the principles which are embodied in this Draft.

It stands to reason that we reserve a complete liberty of comment and of amending if necessary points which, when the final discussion takes place, it may appear to us should be subjected to a fresh examination.

There is, therefore, unanimity in regard to the principles. Signor Orlando, in reminding us of these, said with unusual eloquence that there was something in the nature of a contradiction in the problem which confronted us. How were we to reconcile the principle of the sovereignty of States with the obligation by which they were to bind themselves to limit their political and military action to the precise point where Justice and Right summoned them to stop? This reconciliation has been effected, if I may say so, automatically and, to pursue the metaphor of our distinguished colleague, we have proved the existence of motion by moving.

Among these principles is it necessary to recall those which constitute the very foundation of every international organization of law? In response to the appeal of the millions of dead whose memory has been invoked, of all those who have fallen and of those who mourn them, of all those who by their personal sacrifice have sought to avert for their descendants sacrifices the like of which they themselves have borne, we have risen up against the possible renewal of war. Together we have banded ourselves in order to obviate, by every possible human means, the renewal of the war, in the conviction that henceforth no private war will be possible in the world and that the complete and close interdependence in which all nations are to-day united, by the community of their financial, economic, intellectual and moral interests, renders impossible a fresh conflict at any point on the globe's surface without the entire world being dragged into it by reason of the inevitable community of interest of the peoples of the world.

We are laying it down that Right and Justice must be the basis of settlement for all conflicts and all international differences,

and that the door of the Tribunal is open to every State; in that Tribunal each State will be certain of finding judges who will not even know whether they themselves belong to a great or a small Power, because they will sit there, not as the representatives of that Power, but as the representatives of Right.

There is another principle to which we are especially attached because it really constitutes the kernel of international obligation; for all States now consent to bow before a common justice, and agree at the same time mutually to guarantee to each other their territorial integrity and their political independence on any occasion when one or other of these higher interests may be threatened by violence or some disturbance.

Such is the group of obligations which we accept, and such is the object at which the Covenant now laid before you aims; and I hope, as you do all, that the means which have been proposed may enable us to attain our end in fact.

The purpose of one part of the Covenant is to group round legal institutions a number of factors of real activity which shall actually facilitate the settlement of disputes. We consider it necessary to develop all international institutions which increase the degree of interdependence of the interests of all States, and thereby strengthen the ties which unite us. A certain number of international institutions exist already: we must complete and develop them in such a manner as to make them comprise the majority of the purposes of human activity.

It is hardly necessary for me to say in regard to all these principles that we have been unanimous, not only in proclaiming them, but in insuring that they should be heard and understood throughout the world and that, even among those States which have the greatest difficulty in conceiving this idea of justice, the light should shine at last and illuminate men's consciences.

If, however, we wish these principles to triumph, if we wish them to be guarded by effective guarantees, it is not enough to proclaim them, we must further organize a system of jurisdiction and action alike in order to defend them.

This organization, it was alluded to just now, is quite clear and quite simple. The International Council of Delegates represents precisely the principle of the equality of States; all States alike are represented, I mean all the Associated States, and each of them has but one vote. The idea of equality before the Law of Right thus expressed here is, therefore, realized in the clearest possible manner in the organization of the International Council.

The Executive Committee has another task. In it it is necessary to give a larger and even a preponderant place to those who have the custody of great general interests; but considerable room is likewise given to the small States. In deciding that the Great Powers should have five votes and the small Powers four votes, our Commission showed its desire to respect the interests of small States.

All conflicts are to be submitted either to arbitration or to examination by the Executive Committee. Respect for sentences

pronounced and decisions taken is insured by precise rules, the contravention of which would be regarded as an act of war against all the States. There you find the true idea of mutual support assuming a definite shape; when one of the members of the League, however small and however distant, finds itself attacked by a violence which is recognised as unjust, it is the whole League of Nations which regards itself as attacked; thenceforward the State responsible for this act of violence must regard itself as being in a state of war, not merely with the State which has been the victim of the aggression, but with the whole world.

We must, however, go yet further. In order definitely to secure the respect due to international sentences and decisions, there must be a limitation of armaments.

This limitation of armaments has long been one of the objects of our desires. Those among you, Gentlemen, who in former times were present at the discussions at The Hague, will remember this. To-day, thanks to the victory which has rendered possible the almost complete disarmament of the vanquished and barbarous enemy, the possibility of limiting armaments exists, and it is open to us to effect it in practice. This limitation must be of such a character that no State shall be strong enough to make its own strength prevail against that of the League of Nations. Each State, however, must maintain sufficient forces in order that the League of Nations, by assembling the forces of the different Associated States, may be certain of its ability to make its will prevail.

Need I say that these rules have been set up unanimously and with the ardent support of the French Delegation? However, and this is a point in regard to which I desire to keep your attention for a few minutes, the danger is not the same for all. We can state this freely because none of the words which I am about to pronounce can be regarded as a criticism of the Plan, but merely as an expression of the desire which we have to see it completed. Special dangers exist for certain countries, for France, for Belgium, for Serbia and for the States which have just been created or reconstituted in Central Europe. These States will need to prepare and elaborate effective guarantees.

The Commission has unanimously recognized and has taken into account in a formal text "the geographical situation and the circumstances of each country" in the determination which has to be made of the armaments of each State. It follows from this that in cases where some frontiers are exposed to greater dangers than others, it will be permissible for a State thus placed at a dangerous spot to fortify itself more strongly and to increase its army strength and its armaments.

That is well; but it must not be forgotten that such a State, if it be permitted to increase the strength of its army and its armaments, accepts thereby an increase of the charges which it has to bear and that, therefore, in the general peaceful struggle between nations those which have voluntarily borne such charges will naturally find themselves in a more difficult situation than the others.

It is necessary to take the situation of such States into serious consideration and to see that it shall not be aggravated.

Two practical questions arise in this connection. In order to attain this necessary safety, armaments must be strictly controlled. It is quite right to bear in mind, and President Wilson indeed reminded us of it latterly with remarkable eloquence, that in modern war the question of material has attained immense importance, for the developments of what has been called scientific barbarity have rendered terribly dangerous the progress which is effected each day in industries of a military character.

It is, therefore, necessary for the control of munition factories and industries utilisable for war purposes to be guaranteed.

The Commission has recognized this necessity, for "the High Contracting Parties undertake in no way to conceal from each other the condition of such of their industries as are capable of being adapted to warlike purposes or the scale of their armaments, and agree that there shall be full and frank interchange of information as to their military and naval programmes."

I am very grateful to the Commission for this new drafting, which has very appreciably approached the solution of the problem.

It is permissible, however, for us to remark that it would be necessary for a permanent control and statistical organization to be set up, and we ask that a Commission for that purpose should be constituted. That did not prevent us from accepting the Draft as a whole, but we believe that when public opinion is on the point of being placed in a position to study the question it was necessary for us to explain our views.

There is a second point.

The State which violates the international Covenant is at war against the remainder. Thus, all the Allied forces will necessarily act in this war which the law of right has sanctioned. One cannot, however, improvise war, especially when it becomes necessary to assemble the forces of numerous distant and different States, the fields of action of which are scattered all over the surface of the world. In each people the determination exists not to risk the lives of its sons in military operations until the sovereign powers of the State have examined the question as to whether the conditions of the Covenant require intervention and whether a case has genuinely arisen in which a moral obligation has become an obligation to act.

The need for consulting the legal organs of national representation, and of obtaining a parliamentary vote before undertaking any action, involves delays. Time is needed for these deliberations, which will indeed be even impossible unless there exists a previously prepared plan in prevision of the appeal which the League of Nations may address to each member, showing where and how the national contingents can be and should be despatched.

Finally, in the case of a threat or of aggression, and I beg leave to hold your attention to this point, knowing as I do that your feeling is no less unanimous than was that of the Commission, we shall be obliged to find a way of fortifying the guaran-

tees of which we stand in need. Measures must have been laid down, submitted for consideration and concerted beforehand in order that in the first place a kind of brake may be put on ill-will or evil intention on the part of enemies: if these know what has been prepared and what will be prepared in order to resist aggression, they will not attempt an aggression. In any other case they will be encouraged to risk one and it will be impossible to achieve the purpose at which we aim.

It ought to be impossible for a sudden aggression to take place on one of the danger points of the world without the certainty of its being immediately put down. That is the reason for which, although we have no desire to see a renewal of the spectacle to which President Wilson alluded just now, nor of those terrible disasters which seemed to be an indication of the enemy's will to exterminate, we have asked for the creation of a permanent organism which shall endow the League of Nations with the necessary guarantee. This organism should "foresee and prepare the military means destined to insure the fulfillment of the obligations which the Covenant lays on States and to guarantee their immediate efficacy in all urgent cases."

In regard to this point our Colleagues told us that difficulties of a constitutional and legal character were to be anticipated before it became possible to institute a permanent organization of this character. We have, however, thought it permissible, at a time when this problem is about to be submitted to public opinion, to state it as freely before that opinion as among ourselves.

Gentlemen, I will conclude my remarks. Nobody can have misunderstood my words; nobody thinks, I feel sure, that I have said one word likely to weaken the power of the unanimity which has been shown here since the opening of the session and will continue to be evident until its close.

We are most deeply and whole-heartedly united for the triumph of the cause which, from the first moment, inspired the assembly of this Conference, that is for the prevalence of Right over violence and barbarity. We firmly believe that the Plan now laid before you comprises, in the general aspect of its clauses, the measures which are necessary for the attainment of our purposes; in our opinion, however, and we have expressed it in all sincerity, the Plan is as yet only the foundation on which we shall have to work.

In concluding my address to you, I wish to express my gratitude to the colleagues with whom we have collaborated in this great work, and to President Wilson, who has presided over our labors; and I beg leave to utter a very sincere wish, in the name of France, that this text, completed in respect of the points which I have brought to your notice, may soon become the Law of Nations.

Baron Makino (Japan) expresses the views of the Japanese Delegation in the following speech:

I beg to add another voice to echo the congratulatory speeches that have been made on the completion of what is, perhaps, the most important document ever compiled by the hand of man. The great leaders who, with staunch purpose, have identified themselves with a movement involving the most intricate political problems of many and diverse nations, deserve the gratitude of all mankind for having successfully piloted to this stage the most effective instrument for the maintenance of peace. Their names will be indelibly written on the pages of history in grateful acknowledgment of the great indebtedness which the present and future generations owe to them as benefactors.

I understand there is to be no discussion today on the contents, of the draft, and I therefore confine myself to the few remarks I have made, reserving until a later stage of the discussion of this project a certain proposition, which I will have the privilege of submitting to this Conference and for which I shall have to ask favorable and careful consideration by the distinguished representatives of the nations assembled here today.

Mr. Barnes (Great Britain) expresses the views of the British working classes in the following speech:

Mr. President and Gentlemen: As one whose privilege it is to represent specially the working folk of Great Britain, I want just to make a very few observations. I think I know the mind of the British people on this question of the League of Nations, and I can assure you that it is one of eager expectancy. The people of Great Britain have shouldered their burden during the war, but through all its struggles and sacrifices they have looked eagerly forward for the day when aggressive war shall be no more. That day is dawning, and I believe has been hastened by the work of the last month. To my mind, Mr. President, there are three outstanding principles in this document, which, I believe, will stand out conspicuously as landmarks in the history of mankind.

First of all, the substitution of an altruistic principle for imperialism and violence in the adjustment of international affairs. Nations which have suffered and sacrificed in the acquisition of territory have agreed to the overseership of the League of Nations in the administration of that territory. They have further agreed to the principle that the welfare and assent of the peoples shall be the determining considerations in its administration. There is in this agreement, Mr. President, to my mind a great advance in the application of the principle of moral idealism, and I can only say that I believe that that will strike the imagination of the world.

Second, they have agreed on the principle of reduction of armaments, to a point of national safety, as prescribed by the League of Nations. This, I believe, to be the essential feature of the condition of permanent peace. If there be excess of guns, there will always be a chance of them getting fired off. Moreover,

the nations in the future will be unable in any case to bear the burdens of armaments which have been the feature of our sad history during the last two or three decades. I am, therefore, glad that in this document provision is made for reduction of armaments, thereby, I believe, lessening the risk of war and easing the economic burden upon the people.

The third principle to which I wish to call attention is that the signatories to this document have agreed on a recognition of the evils of private profit in the manufacture of armaments, although, for my part, I should like to have seen a more robust declaration in favor of the abolition of private profit in armaments. Abolition I believe to be a step which will ultimately be found necessary, and I further hope that the Executive may be able to devise ways and means by which private profit may be eliminated, and I am perfectly sure that nothing would be more welcome to the mind of working folks.

There are just one or two things, Mr. President, which, to my mind, might have been more explicit, and which, I believe, will have to be grafted on to a League of Nations as the idea of world unity becomes more widely accepted. Let me mention one. I am afraid that when the time comes for the enforcement of decrees, if ever it does come, which God forbid, there may be delay and confusion on the part of the League. What I am afraid of is, that an aggressive nation might again try to break through, and win its way to its object, before the forces of mankind can be mobilized against it. Therefore, I should have been glad to have seen some provision for the nucleus of an international force which would be ready to strike against an aggressive nation. This, I know, cuts into the idea of the sovereignty of nations, but I hope that there may be future discussion on the part of the affiliated states as to how they can adjust their national life so as to admit of a greater degree of cooperation than is in this document.

Finally, I gladly note the insertion of a clause providing for the formation of international charters of labor. Hitherto, nations have endeavored to protect themselves against low-paid labor by the imposition of tariff barriers. I hope we shall in the future, under the authority of the League of Nations, seek and find a better way by abolishing low-paid labor altogether. We hope to raise life and labor from the mere struggle for bread on to higher levels of justice and humanity. The Commission, Mr. Chairman, which was appointed a few weeks ago to go into this matter is now busily engaged in formulating its detailed plan, and we hope to report in a few weeks' time. I can only say now, on behalf of that Commission, that we shall endeavor to bring ourselves into contact with the League of Nations on as many points as we possibly can, and to bring ourselves in line with this epoch-making document which President Wilson has submitted to us today, and, through us, to a war-weary world.

Several Delegates thereupon state certain general considera-

tions in regard to the Draft Covenant, or offer remarks on special points.

M. Veniselos (Greece), speaking in French, delivers the following speech:

The President of the Conference does me a great honor in allowing me to speak, but at the same time he puts me in a position of great embarrassment. I really ask myself what I can add to the words uttered by the voices of authority to which the Conference has just listened. I will speak as an idealist, for I am one, in order to express the enthusiasm which the work today laid before the Peace Conference inspires in me. I think, indeed, that idealism, if it excludes materialism, in no wise excludes realism.

I am sure that humanity never made by a single stroke of the pen, greater progress towards the assurance of a better future for the world. I know that our plan will not escape criticism—indeed, it has been placed today on the table of the Conference precisely in order to give the critics an opportunity of making themselves heard.

I ask M. Léon Bourgeois' permission to say a word about the uneasiness which he has shown. There is no question of discussing the draft today. Discussion will come in a few days, perhaps in a month, but I should not like the uneasiness, which is indeed very natural, of M. Léon Bourgeois to influence public opinion, which might perhaps think that our work is not sufficiently sound, and does not safeguard sufficiently what we wish to obtain.

Certain Powers object to the establishment not only of a maximum, but also to that of a minimum armed force. For instance, what M. Léon Bourgeois asks is the creation of an armed force ready to intervene.

We have received the answer that constitutional considerations prevented the realization of this wish.

I should be glad if this constitutional opposition could be removed and if a contingent could be fixed, which each State would be obliged to keep up with a view to intervention, if necessary.

But, if we cannot get satisfaction on this point, it must not be thought that this omission would leave the League of Nations without the necessary force to make its will obeyed. Anyone who wishes to disturb the peace of the world will always know that there exists a great force composed of all the armies and of all the resources at the disposal of the States which form the League.

All the Powers represented here, even those which had not in time of peace sufficient forces, have proved what they were able to do in a relatively short time. Thus, the Power which might have thought that it could by a sudden attack obtain a passing success, will know henceforward that it is doomed to failure, so that, I hope, such an attack will never again take place. However, in order that public opinion may not become too uneasy I express

once more, with M. Léon Bourgeois, the hope that it will be possible to arrive at the establishment of a minimum force which each State shall be obliged to maintain.

The Japanese Representative has indeed well expressed the idea which lies behind our thought. Men have seldom drafted a document of such great importance.

The Italian Prime Minister has very properly reminded us that we owe this great result to the blood of all of those who have offered up their lives to suppress once for all this attempt at universal domination and to assure the freedom of the world.

I may add that we owe this to the intimate collaboration of peoples who have come from all the ends of the earth to defend the right and who have given us the idea of human solidarity, no longer confined to a single continent, but stretching over the whole world.

Allow me, Gentlemen, in conclusion to express once more my deep conviction that seldom has humanity taken so great a step towards a better future.

M. Wellington Koo (China) delivers the following speech:

Mr. President and Gentlemen: I have no lengthy eulogy to deliver, but I just want to express a very warm sentiment in my heart and to express it very briefly. I have listened with deep pleasure and profound satisfaction to the words of my esteemed colleagues here in commendation of the spirit of the draft constitution which has just been put before us. Just as no people are more anxious than we are to see the League of Nations established, so no people are more gratified than the people of China to see and note the completion of another stage in advance in the movement for the founding of a League of Nations. Representing, as I have the honor to represent, at least one-third of the population represented here in this distinguished assemblage, I believe it is only fitting that I should add a word of satisfaction to those which have already been so eloquently uttered to us; for not only the character of the conditions in this draft, but the spirit permeating all the provisions is of the most inspiring kind to us. We realize there is room for improvement perhaps, but we also realize that we are making a beginning now, and therefore I cannot help expressing the satisfaction of the Chinese Delegation with the spirit underlying this instrument, the spirit of fair-mindedness and friendship, the spirit of concord and conciliation. It is but the natural result of the spirit which has animated the entire membership of the Commission on the League of Nations, and I say this, gentlemen, from my very pleasant experience at the sittings of that Commission, of which I have the honor to be a member. Thanks to the able leadership of President Wilson and also to the mutual cooperation of all members of the Commission, we are now at last in possession of an instrument which, as my distinguished colleague from Japan has already stated, is to be a memorable document in history, a document which will, when finally adopted, serve as a bulwark against international lawless-

ness and a guarantee of universal peace. Therefore, gentlemen, the rapid and successful completion of the work of the Commission on the League of Nations marks, to my mind, a very distinct milestone on the road upon which mankind has ever been toiling forward from time immemorial, in order to attain the goal of a durable peace. It is my privilege and duty, therefore, to assure the Conference that China will always be ready to cooperate with those who will be members of the League, not only for the organization, but also for the development, of this League of Nations, which will be the greatest institution that mankind will ever have seen.

M. Rustem Haidar (Hedjaz), speaking in French, delivers the following speech:

I know very well, Gentlemen, that the shortest speeches are the most welcome and will therefore compress my observations into a few words.

I have nothing to add to what has been said by the speakers who preceded me; it is not my place to apportion praise to those who guarantee justice to small nations. What I wish to say concerns Article 19 regarding nationalities which till now have been under the domination of the Turks. There is a word in the text which seems to me rather vague, the word "Mandate." What does it mean? We do not exactly know. And yet on the interpretation of that word will depend the future of all the nations which, till today, have been oppressed by tyrants. We, therefore, reserve all our liberty of discussing this text when we come to examine it article by article. For the present I only wish to say that the nations in whose name I speak intend to remain free to choose the Power whose advice they will ask. Their right to decide their fate in the future has been recognized in principle. Very well! But you will allow me to say, Gentlemen, that a secret agreement to dispose of these nations has been prepared about which they have not been consulted. I ask the Assembly whether this state of things ought to exist or not. Seeing that this article has been accepted by all the Powers, I express the wish that the Powers interested in this question should declare on the first opportunity that this agreement concluded without their assent should of full right be pronounced null and void.

Mr. Hughes (Australia) enquired whether the Delegates would have an opportunity of discussing the text laid before the Conference and on what date that discussion might be held.

The President, M. Clemenceau (France), replied that the Report presented and commented on by the President of the United States had been deposited with the Bureau of the Conference for examination and discussion by all the interested Powers. The date on which the discussion could take place would depend on the completion of

the preliminary examination of the scheme. The Bureau would lose no time in summoning the Conference as soon as it was in a position to bring the Report up for a discussion.

The Session is adjourned at 18:55 o'clock (6:55 P.M.)

G. CLEMENCEAU.  
*The President,*

*The Secretary-General,*  
P. DUTASTA.

*The Secretaries,*  
J. C. GREW,  
M. P. A. HANKEY,  
PAUL GAUTHIER,  
ALDROVANDI,  
SADAO SABURI.

**Text Agreed on by Wilson and Cecil, March 18, 1919.**

[*"Commission Text" means Covenant of February 14 (Annex to English minutes of Tenth Meeting of the Commission, Document 19). The Articles or paragraphs that run across the page are the "Commission Text" except that the words "States Members of the League" are throughout substituted for "High Contracting Parties." Article numbers in parenthesis are those of the "Commission Text."*]

*Commission Text.*

PREAMBLE.

In order to promote international co-operation and to secure international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the Powers signatory to this Covenant adopt this constitution of the League of Nations.

ARTICLE I.

The action of the High Contracting Parties under the terms of this Covenant shall be affected through the instrumentality of meetings of a Body of Delegates representing the High Contracting Parties, of meetings at more frequent intervals of an Executive Council, and of a permanent international Secretariat to be established at the Seat of the League.

*As Proposed to be Amended.*

PREAMBLE.

In order to promote international co-operation and to achieve international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the High Contracting Parties agree to the following Covenant as the constitution of the League of Nations.

ARTICLE I.

The action of the League under the terms of this Covenant shall be effected through the instrumentality of meetings of a Body of Delegates representing the States Members of the League, of meetings at more frequent intervals of an Executive Council, and of a permanent international Secretariat to be established at the Seat of the League.

ARTICLE II.

Meetings of the Body of Delegates shall be held at stated intervals and from time to time as occasion may require for the purpose of dealing with matters within the sphere of action of the League. Meetings of the Body of Delegates shall be held at the Seat of the League or at such other place as may be found convenient and shall consist of representatives of the States Members of the League. Each of the States Members of the League shall have one vote but may have not more than three representatives.

### ARTICLE III.

The Executive Council shall consist of representatives of the United States of America, the British Empire, France, Italy and Japan, together with representatives of four other States, members of the League. The selection of these four States shall be made by the Body of Delegates on such principles and in such manner as they think fit. Pending the appointment of these representatives of the other States, representatives of \_\_\_\_\_ shall be members of the Executive Council.

The Executive Council may, subject to the approval of the majority of the Body of Delegates, co-opt on to the Council representatives of States other than those specified above.

Meetings of the Council shall be held from time to time as occasion may require and at least once a year at whatever place may be decided on, or failing any such decision, at the Seat of the League, and any matter within the sphere of action of the League or affecting the peace of the world may be dealt with at such meetings.

Invitations shall be sent to any Power to attend a meeting of the Council at which matters directly affecting its interests are to be discussed and no decision taken at any meeting will be binding on such Power unless so invited.

ARTICLE IV.

All matters of procedure at meetings of the Body of Delegates or the Executive Council including the appointment of Committees to investigate particular matters shall be regulated by the Body of Delegates or the Executive Council and may be decided by a majority of the States represented at the meeting.

Except where otherwise expressly provided in the present Covenant, decisions at any meeting of the Body of Delegates or of the Executive Council require the agreement of all the States represented at the meeting.

The first meeting of the Body of Delegates and of the Executive Council shall be summoned by the President of the United States of America.

#### ARTICLE V.

The permanent Secretariat of the League shall be established at which shall constitute the Seat of the League. The Secretariat shall comprise such secretaries and staff as may be required, under the general direction and control of a Secretary-General of the League, who shall be chosen by the Executive Council; the Secretariat shall be appointed by the Secretary-General subject to confirmation by the Executive Council.

The Secretary-General shall act in that capacity at all meetings of the Body of Delegates or of the Executive Council.

The expenses of the Secretariat shall be borne by the States members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

#### ARTICLE VI.

Representatives of the States Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities, and the buildings occupied by the League or its officials or by representatives attending its meetings shall enjoy the benefits of extraterritoriality.

#### ARTICLE VII.

Admission to the League of States not signatories to the Covenant and not named in the Protocol hereto as States to be invited to adhere to the Covenant requires the assent of not less than two-thirds of the States represented in the Body of Delegates, and shall be limited to

#### ARTICLE VII.

The original members of the League shall be those States which are named in the Protocol hereto. Any fully self-governing State, including Dominions and Colonies, may become a member of the League if its admission is agreed to by a two-thirds majority of the Body of

fully self-governing countries including Dominions and Colonies.

No State shall be admitted to the League unless it is able to give effective guarantees of its sincere intention to observe its international obligations, and unless it shall conform to such principles as may be prescribed by the League in regard to its naval and military forces and armaments.

#### ARTICLE VIII.

The High Contracting Parties recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations, having special regard to the geographical situation and circumstances of each State; and the Executive Council shall formulate plans for effecting such reduction. The Executive Council shall also determine for the consideration and action of the several governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Executive Council.

Delegates provided that it is able to give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its naval and military forces and armaments.

#### ARTICLE VIII.

The States Members of the League recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations, having special regard to the geographical situation and circumstances of each State; and the Executive Council shall formulate plans for such reduction for the consideration and action of the several governments. These limits, when adopted by the several governments, shall not be exceeded without the concurrence of the Executive Council.

The States Members of the League agree that the manufacture by private enterprise of munitions and implements of war lends itself to grave objections, and direct the Executive Council to advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those countries which are

not able to manufacture for themselves the munitions and implements of war necessary for their safety.

The High Contracting Parties undertake in no way to conceal from each other the condition of such of their industries as are capable of being adapted to war-like purposes or the scale of their armaments, and agree that there shall be full and frank interchange of information as to their military and naval programmes.

The States Members of the League undertake that there shall be full and frank interchange of information as to the scale of their armaments, their military and naval programmes and the condition of such of their industries as are capable of being adapted to war-like purposes.

#### ARTICLE IX.

A permanent Commission shall be constituted to advise the League on the execution of the provisions of Article VIII and on military and naval questions generally.

#### ARTICLE X.

The States Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Executive Council shall advise upon the means by which this obligation shall be fulfilled.

#### ARTICLE XI.

Any war or threat of war, whether immediately affecting any of the High Contracting Parties or not, is hereby declared a matter of concern to the League, and the High Contracting Parties reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

#### ARTICLE XI.

Any war or threat of war, whether immediately affecting any of the States Members of the League or not, is hereby declared a matter of concern to the League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the States Members of the League to draw the attention of the Body of Delegates or of the Executive Council to any circumstances affecting international intercourse which threaten to disturb international peace or the good understanding between nations upon which peace depends.

## ARTICLE XII.

The States Members of the League agree that should disputes arise between them which cannot be adjusted by the ordinary process of diplomacy, they will in no case resort to war without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council and until three months after the award by the arbitrators or a recommendation by the Executive Council; and that they will not even then resort to war as against a member of the League which complies with the award of the arbitrators or the recommendation of the Executive Council.

In any case under this Article, the award of the arbitrators shall be made within a reasonable time, and the recommendation of the Executive Council shall be made within six months after the submission of the dispute.

## ARTICLE XIII.

The States Members of the League agree that whenever any dispute or difficulty shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration. For this purpose the Court of arbitration to which the case is referred shall be the court agreed on by the parties or stipulated in any Convention existing between them. The States Members of the League agree that they will carry out in full good faith any award that may be rendered. In the event of any failure to carry out the award, the Executive Council shall propose what steps can best be taken to give effect thereto.

## ARTICLE XIV.

The Executive Council shall formulate plans for the establishment of a Permanent Court of International Justice and this Court shall, when established, be competent to hear and determine any matter which the parties recognize as suitable for submission to it for arbitration under the foregoing Article.

## ARTICLE XIV.

The Executive Council shall formulate plans for the establishment of a Permanent Court of International Justice and this Court shall, when established, be competent to hear and determine any matter which the parties recognize as suitable for submission to it for arbitration under the foregoing Article, and also any issue referred to it by the Executive Council or Body of Delegates.

## ARTICLE XV.

If there should arise between States members of the League any dispute likely to lead to a rupture, which is not submitted to arbitra-

tion as above, the States Members of the League agree that they will refer the matter to the Executive Council. Either party to the dispute may give notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties agree to communicate to the Secretary-General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Executive Council may forthwith direct the publication thereof.

Where the efforts of the Council lead to the settlement of the dispute, a statement shall be published indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate. If the dispute has not been settled, a report by the Council shall be published, setting forth with all necessary facts and explanations the recommendation which the Council think just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the Council other than the parties to the dispute, the High Contracting Parties agree that they will not go to war with any party which complies with the recommendation, and that, if any party shall refuse so to comply, the Council shall propose the measures necessary to give effect to the recommendation. If no such unanimous report can be made, it shall be the duty of the majority and the privilege of the minority to issue statements indicating what they believe to be the facts and containing the recommendations which they consider to be just and proper.

Where the efforts of the Council lead to the settlement of the dispute, a statement shall be published indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate. If the dispute has not been settled, a report by the Council shall be published, setting forth with all necessary facts and explanations the recommendation which the Council think just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the Council other than the parties to the dispute, the States Members of the League agree that they will not go to war with any party which complies with the recommendation. If no such unanimous report can be made, it shall be the duty of the majority and the right of the minority to issue statements indicating what they believe to be the facts and containing the recommendations which they consider to be just and proper.

The Executive Council may in any case under this Article refer

the dispute to the Body of Delegates. The dispute shall be so referred at the request of either party to the dispute, provided that such request must be made within fourteen days after the submission of the dispute. In any case referred to the Body of Delegates all the provisions of this Article and of Article XII relating to the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates.

#### ARTICLE XVI.

Should any of the States Members of the League break or disregard its covenants under Article XII, it shall thereby *ipso facto* be deemed to have committed an act of war against all the other members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the League or not.

It shall be the duty of the Executive Council in such case to recommend what effective military or naval force the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The States Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will afford passage through their territory to the forces of any of the States Members of the League who are co-operating to protect the covenants of the League.

#### ARTICLE XVII.

In the event of disputes between one State member of the League and another State which is not a member of the League, or between States not members of the League, the High Contracting Parties agree that the State or States not members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such

#### ARTICLE XVII.

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conditions as the Executive Council may deem just, and upon acceptance of any such invitation, the above provisions shall be applied with such modifications as may be deemed necessary by the League.

such conditions as the Executive Council may deem just, and upon acceptance of any such invitation, the provisions of Articles XII to XVI inclusive shall be applied with such modifications as may be deemed necessary by the Executive Council.

Upon such invitation being given the Executive Council shall immediately institute an inquiry into the circumstances and merits of the dispute and recommend such action as may seem best and most effectual in the circumstances.

In the event of a Power so invited refusing to accept the obligations of membership in the League for the purposes of such dispute, and taking any action against a State member of the League which in the case of a State member of the League would constitute a breach of Article XII, the provisions of Article XVI shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Executive Council may take such action and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

#### ARTICLE (XIX) XVIII.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in the constitution of the League.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position, can best undertake the responsibility, and that this tutelage should be exercised by them as mandataries on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the render-

ing of administrative advice and assistance by a mandatory power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory power.

Other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory subject to conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other members of the League.

There are territories, such as South-west Africa and certain of the South Pacific Islands, which owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the mandatory state, and other circumstances, can be best administered under the laws of the mandatory state as integral portions thereof, subject to the safeguards above-mentioned in the interests of the indigenous population.

In every case of mandate, the mandatory state shall render to the League an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory State shall if not previously agreed upon by the States Members of the League in each case be explicitly defined by the Executive Council in a special Act or Charter.

The States Members of the League further agree to establish at the seat of the League a Mandatory Commission to receive and examine the annual reports of the Mandatory Powers, and to assist the League in ensuring the observance of the terms of all Mandates.

Nothing in this article shall be interpreted as compelling any State to be a mandatory.

#### ARTICLE XVIII.

The High Contracting Parties agree that the League shall be entrusted with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest.

#### ARTICLE XIX.

In accordance with the provisions of conventions hereafter to be agreed upon for the purposes hereinafter stated, the States Members of the League

- (a) agree that the League shall be entrusted with the gen-

## ARTICLE XX.

The High Contracting Parties will endeavor to secure and maintain fair and humane conditions of labor for men, women and children both in their own countries and in all countries to which their commercial and industrial relations extend; and to that end agree to establish as part of the organization of the League a permanent Bureau of Labor.

## ARTICLE XXI.

The High Contracting Parties agree that provision shall be made through the instrumentality of the League to secure and maintain freedom of transit and equitable treatment for the commerce of all States members of the League, having in mind, among other things, special arrangements with regard to the necessities of the regions devastated during the war of 1914-1918.

eral supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest.

- (b) will endeavor to secure and maintain fair and humane conditions of labor for men, women and children both in their own countries and in all countries to which their commercial and industrial relations extend; and to that end agree to establish as part of the organization of the League a permanent Bureau of Labor.
- (c) agree that provision shall be made through the instrumentality of the League to secure and maintain freedom of communications and transit and equitable treatment for the commerce of all States members of the League, having in mind, among other things, special arrangements with regard to the necessities of the regions devastated during the war of 1914-1918.

## ARTICLE (XXII) XX.

The States Members of the League agree to place under the control of the League all international bureaux already established by general treaties if the parties to such treaties consent. Furthermore, they agree that all such international bureaux to be constituted in future shall be placed under the control of the League.

## ARTICLE (XXIII) XXI.

The States Members of the League agree that every treaty or international engagement entered into hereafter by any State member of the League, shall be forthwith registered with the Secretary-General and as soon as possible published by him, and that no such treaty or international engagement shall be binding until so registered.

## ARTICLE (XXIV) XXII.

It shall be the right of the Body of Delegates from time to time to advise the reconsideration by States Members of the League, of treaties which have become inapplicable, and of international conditions, of which the continuance may endanger the peace of the world.

## ARTICLE (XXV) XXIII.

The States Members of the League severally agree that the present Covenant is accepted as abrogating all obligations *inter se* which are inconsistent with the terms thereof, and solemnly engage that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any of the Powers signatory hereto or subsequently admitted to the League shall, before becoming a party to this Covenant, have undertaken any obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

## ARTICLE (XXVI) XXIV.

Amendments to this Covenant will take effect when ratified by the States whose representatives compose the Executive Council and by three-fourths of the States whose representatives compose the Body of Delegates.

**Meetings With the Neutral Powers March 20 and March 21,  
1919**

*[The English text follows the French.]*

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COMITÉ

CHARGÉ DE L'AUDITION DES DÉLÉGUÉS  
DES PUISSANCES NEUTRES

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Afin de permettre aux Puissances Neutres de faire connaître leurs vues au sujet du Projet de Pacte déposé à la Séance plénière de la Conférence du 14 février 1919, un Comité composé de quelques Représentants de la Commission de la Société des Nations s'est réuni à l'Hôtel Crillon, les 20 et 21 mars 1919.

LES MEMBRES DU COMITÉ SONT LES SUIVANTS :

ÉTATS-UNIS D'AMÉRIQUE :

Colonel House.

EMPIRE BRITANNIQUE :

Lord Robert Cecil, Président.

FRANCE :

M. Léon Bourgeois.

BELGIQUE :

M. Hymans.

GRÈCE :

M. Veniselos.

SERBIE :

M. Vesnitch.

LE REPRÉSENTANTS DES PUISSANCES NEUTRES SONT LES  
SUIVANTS :

ARGENTINE :

M. M. T. d'Alvear, Envoyé extraordinaire et Ministre plénipotentiaire en France.

CHILI :

M. Ibanez, Envoyé extraordinaire et Ministre plénipotentiaire en France ;

## COLOMBIE :

M. Carlos Arbelaez, Envoyé extraordinaire et Ministre plénipotentiaire en France.

## DANEMARK :

M. H. H. Bernhoft, Envoyé extraordinaire et Ministre plénipotentiaire en France.

Docteur P. Munch, Ministre de la Défense ;

M. N. Neergaard, Membre de la Chambre basse.

## ESPAGNE :

M. Gonzalez Hontoria, Député et ancien Sous-Secrétaire d'État aux Affaires étrangères.

## NORVÈGE :

Baron de Wedel Jarlsberg, Envoyé extraordinaire et Ministre plénipotentiaire en France.

## PARAGUAY :

M. Arnold Schoch, Chargé d'Affaires en France.

## PAYS-BAS :

M. de Stuers, Envoyé extraordinaire et Ministre plénipotentiaire en France ;

M. Loudon, Ancien Ministre des Affaires étrangères.

*Délégués adjoints :*

M. Loder, Membre de la Haute Cour de Justice ;

Jonkheer van Eysinga, professeur à l'Université de Leyde.

## PERSE :

M. Mockaverol-Memalek, Ministre des Affaires étrangères.

## SALVADOR :

M. Matheu, Chargé d'Affaires en France.

## SUÈDE :

Comte Ehrensward, Envoyé extraordinaire et Ministre plénipotentiaire en France ;

Comte Wrangel, Envoyé extraordinaire et Ministre plénipotentiaire en Angleterre.

## SUISSE :

Conseiller Fédéral Calonder, Chef du département politique ;

M. Alfred Frey, Député au Conseil National suisse ;

Professeur Max Huber, Professeur à l'Université de Genève ;

M. Rappard, Professeur à l'Université de Genève.

(VÉNÉZUELA).

M. Fortoul, Envoyé extraordinaire et Ministre plénipotentiaire en France.

## PROCÈS-VERBAL NO. 1.

SÉANCE DU 20 MARS 1919.

La première séance est ouverte à 15 heures, à l'Hôtel Crillon, sous la présidence de Lord Robert Cecil.

*Sont présents pour la Commission de la Société des Nations :*

Lord Robert Cecil (*Empire britannique*), Président; M. Hymans (*Belgique*); le Colonel House (*États-Unis d'Amérique*); M. Léon Bourgeois (*France*); M. Veniselos (*Grèce*); M. Vesnitch (*Serbie*).

*Sont présents pour les Puissances neutres :*

M. M. d'Alvear (*Argentine*); M. Ibanez (*Chili*); M. Carlos Arbelaiz (*Colombie*); M. H. H. Bernhoft, le Docteur P. Munch et M. N. Neergaard (*Danemark*); M. Gonzalez Honoria (*Espagne*); le Baron de Wedel Jarlsberg (*Norvège*); M. Arnold Schoch (*Paraguay*); MM. de Stuers, Loudon, Loder et le Jonkheer van Eysinga (*Pays-Bas*); M. Mockaverol-Memalek (*Perse*); M. Matheu (*Salvador*); le Comte Ehrensward; et le Comte Wrangel (*Suède*); le Conseiller Fédéral Calonder, M. Alfred Frey, le Professeur Max Huber et M. Rappard (*Suisse*); M. Fortoul (*Vénézuela*).

Le Président explique que le projet de Pacte a été publié dès le 14 février afin de permettre à l'opinion publique de se prononcer à son sujet. Il propose d'examiner ce projet, article par article, de façon que les États neutres puissent faire connaître leurs vues et les amendements qu'ils suggèrent. La réunion actuelle a un caractère officieux et permettra de transmettre à la Commission interalliée les vues des Représentants des Puissances neutres.

La procédure proposée par le Président est acceptée et l'Assemblée passe à l'examen des articles.

MM. d'Alvear (*Argentine*), Fortoul (*Vénézuela*), Huber (*Suisse*) et Ibanez (*Chili*) déclarent se rallier aux principes généraux qui inspirent le projet de Pacte et se réservent de présenter des amendements au fur et à mesure de la lecture des articles.

### PRÉAMBULE ET ARTICLE 1<sup>er</sup>

Lecture est donnée du Préambule et de l'article premier qui ne donnent lieu à aucune observation.

## ARTICLE II.

MM. Max Huber (*Suisse*), Gonzalez Hontoria (*Espagne*), le Baron de Wedel Jarlsberg (*Norvège*) donnent chacun lecture d'un amendement relatif à l'article (ANNEXE).

M. Léon Bourgeois (*France*) demande si l'amendement suisse entend distinguer deux sortes de décisions, les unes qui seraient prises à la majorité des  $\frac{3}{4}$ .

M. Huber (*Suisse*) répond que la majorité des  $\frac{3}{4}$  ne serait exigible que pour les règlements destinés à assurer l'exécution du Pacte. Quant aux Conventions destinées à développer le droit des gens, elles ne seraient obligatoires que pour les États qui les auraient ratifiées.

## ARTICLE III.

Lecture est donnée de l'article III.

M. Veniselos (*Grèce*) fait remarquer que l'esprit qui inspirait le Pacte a été d'éviter tout empiètement de souveraineté.

M. Bernhoft (*Danemark*) propose un amendement qui a pour objet de porter à dix le nombre des représentants des Grandes Puissances dans le Comité exécutif, et à huit les représentants des autres États (ANNEXE).

M. Ehrensward (*Suède*) appuie cette proposition.

Le Président fait remarquer que le Conseil exécutif sera d'autant plus apte à agir qu'il sera peu nombreux.

M. Ibanez (*Chili*) dépose un amendement ayant pour objet de laisser aux Puissances secondaires le droit de désigner à elles seules les quatre États qui doivent les représenter (ANNEXE).

Le Baron de Wedel Jarlsberg dépose un amendement précisant le fonctionnement du Conseil exécutif (ANNEXE).

M. Gonzalez Hontoria (*Espagne*) propose de remplacer la phrase : "et la décision prise ne liera cette Puissance que si elle a été ainsi invitée" par : "la décision prise, même si elle est obligatoire par nature, ne liera cette Puissance que si elle a été ainsi invitée."

MM. van Eysinga (*Pays-Bas*), Huber (*Suisse*) se rallient aux propositions du Danemark et du Chili.

M. Veniselos (*Grèce*) explique que les représentants des États à intérêts particuliers ont fait tout leur possible au sein de la Commission pour que celle-ci ait une représentation équitable au sein du Comité exécutif. Il croit y être parvenu en obtenant le nombre de quatre représentants. Si la représentation des États à intérêts particuliers était plus large, le Conseil exécutif ne pourrait vraiment pas fonctionner dans de bonnes conditions. Il a paru impossible de dépasser cette proportion de cinq à quatre. Mais, sans qu'aucune décision ait été prise à cet égard, on a paru d'accord pour penser que, si plus tard d'autres Grandes Puissances sont représen-

tées dans le Conseil exécutif, on admettra également d'autres représentants de Puissances à intérêts particuliers.

M. Léon Bourgeois (*France*) fait observer que l'ensemble des amendements présentés sur l'article III, peuvent se grouper en trois catégories: 1° ceux qui demandent l'augmentation du nombre de représentants à intérêts particuliers; 2° ceux qui demandent le renversement de la proportion établie entre les Grandes Puissances et les autres Puissances; 3° ceux qui demandent l'augmentation totale du nombre des membres du Conseil exécutif.

#### ARTICLE IV.

Aucune observation.

#### ARTICLE V.

M. Bernhoft (*Danemark*) dépose un amendement tendant à faire choisir le Secrétaire général par l'Assemblée des Délégués sur la proposition du Conseil exécutif. (ANNEXE).

M. Gonzalez Hontoria (*Espagne*) dépose également un amendement relatif au Secrétariat. (ANNEXE).

#### ARTICLE VI.

Aucune observation.

#### ARTICLE VII.

Le Baron de Wedel Jarlsberg (*Norvège*) donne lecture d'un amendement ayant pour but de préciser les conditions d'admission dans la Société des Nations, l'Assemblée des Délégués devant décider à la majorité des deux tiers si les conditions imposées sont réalisées. (ANNEXE).

Le Baron de Wedel Jarlsberg (*Norvège*), MM. Bernhoft (*Danemark*) et Ehrenswärd (*Suède*) adhèrent à l'amendement suisse.

Sur une observation de M. Bourgeois, M. Huber (*Suisse*) fait remarquer que l'amendement suisse n'est inspiré par aucune idée politique, mais simplement par le désir d'introduire une grande précision dans les conditions d'admission. L'Assemblée reste toujours maîtresse de refuser l'admission si la majorité des  $\frac{2}{3}$  n'est pas obtenue.

Le Baron de Wedel Jarlsberg (*Norvège*) donne lecture d'un amendement sur le même sujet. (ANNEXE.)

#### ARTICLE VIII.

MM. Bernhoft (*Danemark*), Gonzalez Hontoria (*Espagne*), le Baron de Wedel Jarlsberg (*Norvège*) donnent lecture de divers amendements au sujet de l'article 8. (ANNEXE.)

M. Léon Bourgeois (*France*) rappelle que l'amendement danois est d'accord avec l'amendement français, dont il a donné lecture à la séance plénière du 14 février et qui avait pour objet d'assurer le contrôle de la limitation des armements.

Le Comte Ehrenswärd (*Suède*) fait remarquer à propos de cet article que le Gouvernement du Roi attache un grand intérêt à ce qu'il soit établi un contrôle efficace de la limitation des armements sans lequel le but de la Société des Nations sera manqué ou mis en danger.

M. Rappard (*Suisse*) appuie cette observation et insiste pour que les fabrications de guerre soient réservées aux États.

#### ARTICLE IX.

M. Bernhoft (*Danemark*) propose de définir le rôle de la Commission prévue à l'article 9 dans le sens du contrôle des armements et de la surveillance du plan adopté. (ANNEXE.)

M. Léon Bourgeois (*France*) tient à préciser, au sujet de cet amendement, que celui qu'il a soumis à la Conférence pour le même article vise un organe permanent, non pas d'exécution, mais de préparation pour les questions militaires et navales intéressant la Société des Nations.

M. Hontoria (*Espagne*) demande, dans le cas où l'amendement Bourgeois serait adopté aux articles 8 et 9, que toutes les Grandes Puissances puissent se faire représenter à la Commission militaire et navale (ANNEXE).

#### ARTICLE X.

M. Ibanez (*Chili*) fait remarquer que cet article précise le but essentiel de la Société des Nations qui est de garantir le territoire et l'indépendance des États adhérents. On aura un troisième élément non moins important : c'est la garantie des traités existants (ANNEXE.)

M. Hymans (*Belgique*) répond que le respect des traités est visé dans le Préambule comme une base de la Société des Nations.

Le Président demande au représentant du Chili si, d'après lui, la Société des Nations devrait imposer l'observation de tous les traités, même des traités de commerce?

M. Ibanez (*Chili*) répond affirmativement.

#### ARTICLE XI.

M. Hontoria (*Espagne*) demande que le sens de l'expression "toute action" soit présenté comme correspondant aux bons offices de la médiation et aux moyens pacifiques en général.

## ARTICLE XII.

M. Max Huber (*Suisse*) dépose un amendement qui vise l'emploi par les Parties d'une Commission de conciliation ou d'enquête et qui précise l'interdiction de recourir à la guerre sans avoir épuisé tous les moyens de procédure. (ANNEXE.)

Le Baron de Wedel Jarlsberg (*Norvège*) et M. Hontoria (*Espagne*) déposent également des amendements au sujet de cet article. (ANNEXE.)

Le Jonkheer van Eysinga fait la déclaration suivante :

"Le Délégation néerlandaise sollicite la permission de demander encore une simple information à l'égard des articles XII et XIII.

"D'après l'article XII une guerre semble possible *après* qu'une sentence arbitrale sera intervenue; l'alinéa 2 de cet article dit bien que les Parties en litige devront attendre trois mois après la sentence arbitrale et que même alors elles ne pourront recourir à la guerre contre un État qui se conformera à la sentence des arbitres; mais ces restrictions mêmes semblent démontrer que dans tout autre cas le Pacte admet une guerre par suite d'un différend qui a déjà donné lieu à une sentence arbitrale.

"Par contre l'article XIII contient le principe plus juste qu'une sentence arbitrale *doit* être exécutée en toute bonne foi, ce qui semble exclure tout idée d'un recours aux armes, admis par l'article précédent.

"La Délégation néerlandaise se demande s'il existe sous ce rapport un désaccord entre les deux articles et elle serait reconnaissante d'être renseignée sur cette question."

## ARTICLE XIII.

M. van Eysinga (*Pays-Bas*) et M. Huber (*Suisse*) déposent des amendements ayant pour objet d'établir le principe de l'arbitrage obligatoire, les circonstances se trouvant très favorables pour l'introduire dans un texte officiel. (ANNEXE.)

Le Président rappelle à ce sujet l'économie générale du projet: normalement les Parties recourent à l'arbitrage; si l'arbitrage échoue ou s'il n'est pas employé, les Parties ont recours soit au Conseil exécutif, soit à l'Assemblée des Délégués. Ceux-ci peuvent, soit :

a) Envoyer l'affaire à une Cour arbitrale ou à une Cour de justice qui donnera une recommandation;

b) Nommer une Commission spéciale qui examinera le conflit;

c) Se constituer eux-mêmes en Commission d'enquête ou de conciliation.

On estime que ce dernier cas se présentera le plus souvent. En tout cas, la Commission a déjà longuement discuté la question de l'arbitrage obligatoire. Si on en a écarté le principe, c'est après mûres réflexions. Ce qui est obligatoire, ce n'est pas l'arbitrage,

mais le règlement des conflits par un moyen pacifique quelconque.

M. Léon Bourgeois (*France*), qui a défendu le principe de l'arbitrage obligatoire aux Conférences de 1899 et 1907, fait remarquer que le principe actuel du Pacte est de soumettre tout conflit sans exception à la réglementation pacifique, qui évite de recourir aux moyens violents. Si l'arbitrage n'est pas employé il faut recourir, soit à une Commission d'enquête, soit à une Commission de Conciliation, soit à la Cour de Justice. Le principe de l'obligation n'est donc pas oublié mais au contraire est affirmé solennellement, conformément aux vœux exprimés par la majorité des Puissances dans les Conférences de La Haye.

#### ARTICLE XIV.

Examen ajourné.

#### ARTICLE XV.

Des amendements sont déposés par MM. de Stuers (*Pays-Bas*) et Max Huber (*Suisse*). (ANNEXE.)

La séance est levée à 18 heures 30.

### PROCÈS-VERBAL NO. 2.

SÉANCE DU 21 MARS 1919.

La deuxième est ouverte à 15 heures, à l'Hôtel Crillon, sous la Présidence de Lord Robert Cecil.

*Sont présents pour la Commission de la Société des Nations:*

Le Colonel House (*États-Unis d'Amérique*); Lord Robert Cecil (*Empire Britannique*); M. Léon Bourgeois (*France*); M. Hymans (*Belgique*); M. Veniselos (*Grèce*); M. Vesnitch (*Serbie*).

*Sont présents pour les Puissances neutres:*

M. T. d'Alvear (*Argentine*); M. Ibanez (*Chili*); M. Carlos Arbelaiz (*Colombie*); M. H. Bernhoft, Dr. P. Munch et M. Neergaard (*Danemark*); M. Gonzalez Hontoria (*Espagne*); le Baron de Wedel Jarlsberg (*Norvège*); Arnold Schoch (*Paraguay*); MM. de Stuers et Loudon; Délégués adjoints: le Jonkheer van Eysinga et M. Loder (*Pays-Bas*); M. Mockaverol-Memalek (*Parse*); M. Matheu (*Salvador*); le Comte Ehrensward, le Comte Wrangel (*Suède*); le Conseiller fédéral Calonder, M. Alfred Frey, le Professeur Max Huber et M. Rappord (*Suisse*); M. Fortoul (*Vénézuëla*).

## ARTICLE XIV.

## COUR DE JUSTICE INTERNATIONALE.

M. Hontoria (*Espagne*) fait la déclaration suivante :

Avant d'entrer dans l'examen de l'article xiv, la Commission espagnole déclare qu'elle n'est pas préparée à la discussion d'amendements qui donnent des solutions précises quant au fond à des questions qui, dans le projet de Pacte, sont réservées à une élaboration ultérieure, soit par le Conseil exécutif, soit par l'Assemblée des Délégués, soit par des négociations directes entre les Gouvernements. Le silence au sujet des amendements et, notamment, de ceux de ce genre, n'implique ni approbation ni désapprobation. La Commission espagnole tient d'autant plus à le dire que, parmi ces derniers, il y en a plusieurs touchant des questions particulièrement importantes et qui seront d'une valeur précieuse lorsque le Conseil, l'Assemblée ou les Gouvernements auront à reprendre la matière. Plusieurs amendements demandent que la Cour arbitrale soit organisée sur le principe de l'égalité juridique des États. Il se permet de recommander cette partie des amendements à la considération toute spéciale de la Commission.

M. Max Huber (*Suisse*) dépose un amendement au nom de la Suisse (ANNEXE) et déclare que le moment est propice pour réaliser les projets de Cour de justice internationale étudiés à la Haye. Le système proposé par la Suisse permet d'obtenir une grande impartialité dans le choix des juges.

M. Bernhoft (*Danemark*) appuie la proposition suisse et dépose un amendement dans lequel est prévue une Cour de conciliation. (ANNEXE.)

Le Baron de Wedel Jarlsberg (*Norvège*) dépose également un amendement. (ANNEXE.)

Le Comte Ehrensward (*Suède*) fait une déclaration au sujet des vues du Gouvernement suédois en ce qui concerne la Cour de Justice et renvoie aux articles x à xxxix du projet de son Gouvernement.

M. Calonder (*Suisse*) fait observer que les amendements suisses aux articles xii, xiii et xiv ont pour objet de renforcer l'élément de justice en regard de l'élément politique. Il tend à alléger le poids du Conseil exécutif et à créer des garanties supplémentaires juridiques pour chaque État. Ces trois articles ont une grande importance et les amendements, présentés par les pays neutres, donneraient satisfaction à leur Gouvernement et à leur peuple. Il serait très reconnaissant à la Commission de vouloir bien les prendre en considération.

Sur une question du Président, M. Léon Bourgeois (*France*) explique qu'un projet de Cour internationale de justice a été minutieusement étudié à la Haye en 1907 et que les Gouvernements

s'étaient engagés à compléter ce projet par l'adoption d'un système pour le choix des juges. Mais les circonstances n'ont pas permis de donner à ces travaux la solution qu'elle comportait.

Le Président assure les Représentants des États neutres que la question de la Cour de justice sera prise en très sérieuse considération par la Commission.

#### ARTICLE XVI.

M. van Eysinga (*Pays-Bas*) donne lecture d'un amendement (ANNEXE) et insiste sur la nécessité d'établir des règles précises afin que chaque nation sache exactement à quoi elle est engagée, notamment en ce qui concerne l'action militaire à laquelle elle peut être entraînée en vertu du Pacte.

M. Léon Bourgeois (*France*) fait observer que les amendements de la Délégation française ont précisément pour objet d'organiser une Commission militaire et navale, de façon que l'action militaire des membres de la Société ne soit pas laissée au hasard et que les pouvoirs publics sachent exactement à quoi s'en tenir.

M. le Conseiller Loder fait la déclaration suivante :

L'article xvi s'occupe de deux matières différentes. En *premier lieu*, il s'agit du fait de rupture de pacte, considéré comme acte de guerre; en *second lieu*, il s'agit des mesures à prendre.

Pour ce qui concerne le premier point, la Délégation néerlandaise observe qu'un organe déterminé pour constater le fait semble être omis. L'article ne l'indique pas. Or ce fait lui-même est d'ordre *juridique*. Il est donc du plus grand intérêt de savoir exactement si le fait constitue une contravention, et à quel moment et par qui il a été commis. L'organe à créer devrait être compétent sous tous les rapports. Il sera appelé à prendre des décisions à bref délai et ses décisions devront porter le caractère d'impartialité. Il semble utile que l'organe soit permanent.

La Délégation propose donc l'amendement suivant (Voir Annexe).

Quant au second point, les mesures à prendre, la Délégation fait observer qu'il s'agit ici d'une matière de premier ordre pour le bon fonctionnement de la Ligue. Si l'action collective, tant économique que militaire, contre un État violateur de l'article xii du Pacte peut aboutir au résultat voulu, elle devra nécessairement être préparée et organisée d'avance. La Délégation néerlandaise estime que ce serait à l'Assemblée des Délégués d'arrêter une loi organique à ce sujet.

Elle propose donc l'amendement suivant :

"L'Assemblée des Délégués arrête une loi organique sur la préparation et l'exécution de l'action tant économique que militaire, visée à l'article xvi.

"A titre d'information, la Délégation se permet d'ajouter que la Commission néerlandaise, chargée par son Gouvernement de l'étude des questions relatives à la Ligue des Nations, qui compte

des militaires parmi ses membres, a préparé déjà le projet d'une loi organique pour ce qui concerne l'action militaire."

M. Loudon (*Pays-Bas*) constate l'identité des points de vue de l'amendement néerlandais et de l'amendement français.

Le Président explique le mécanisme prévu par l'intervention de la Ligue; quand il y a unanimité dans le Conseil exécutif, celui-ci recommande au Gouvernement intéressé de décider quelle action militaire doit être entreprise. Il s'agit d'agir par persuasion plutôt que par coercition.

M. Léon Bourgeois (*France*) fait observer qu'il y a deux degrés principaux dans les sanctions: les sanctions économiques sont déclenchées *ipso facto*; quant aux sanctions militaires, elles doivent être délibérées par le Conseil exécutif. Il rappelle qu'il a déposé un amendement pour que les sanctions économiques soient déclenchées dans d'autres cas que ceux prévus à l'article xvi.

M. Rappard (*Suisse*) fait observer la différence qui existe (au début du deuxième alinéa de l'article xvi) entre le mot français "indiqué" et le mot anglais "recommend."

M. Bernhoft (*Danemark*) dépose un amendement (ANNEXE) ayant pour objet de conserver à certains membres de la Société des Nations la faculté de se déclarer en état de neutralité. Le Danemark désirerait conserver la possibilité de pouvoir déclarer une telle neutralité, bien qu'il n'ait pas encore pris de décision à cet égard.

Le Président rappelle que les membres de la Société contractent trois obligations principales: 1° rompre toutes relations commerciales avec l'État en rupture de pacte; 2° autoriser le passage des forces militaires et navales de la Société des Nations sur son territoire; 3° participer à une action militaire et navale. Le Président demande si l'État neutre a l'intention de se soustraire à l'une ou à plusieurs de ces obligations.

M. Bernhoft (*Danemark*) répond que l'État neutre pourrait se soumettre à la première, mais non pas aux deux dernières de ces obligations.

M. Léon Bourgeois (*France*) fait remarquer la contradiction qui existe entre l'idée d'association et l'idée de neutralité. L'adhésion à la Société implique des charges et des avantages. Il est délicat de trancher le problème de la possibilité de maintenir des États neutres et la Commission aura à l'examiner de très près, mais il est dès maintenant nécessaire de préciser les charges auxquelles les neutres entendent se soustraire.

M. Munch (*Danemark*) ne réclame pas la possibilité d'une neutralité absolue, mais simplement la faculté pour certains États de ne pas participer à une exécution militaire ou de ne pas servir de passage aux armées de la Société. De même qu'à l'intérieur des

États tout le monde n'est pas gendarme, de même on peut concevoir que les petits États ne sont pas qualifiés pour remplir une fonction de gendarme dans l'ordre international. La population danoise serait réfractaire à prendre part à des opérations militaires internationales. Il en est de même pour l'Islande qui a déclaré sa neutralité permanente.

Le Président fait observer que les États associés restent *libres* de ne pas participer à l'action militaire, mais ils sont *obligés* de laisser le passage aux armées de la Société. Il demande si, au cas d'une exécution militaire décrétée par la Société, le Danemark s'opposerait au passage des armées de celle-ci sur son territoire.

M. Hontoria (*Espagne*) rappelle que la Constitution de certains pays exige l'assentiment du Parlement, par loi spéciale pour l'admission de troupes étrangères sur leur territoire. L'article doit s'appliquer en harmonie avec les textes constitutionnels.

M. Calonder (*Suisse*) fait observer que la neutralité n'empêche pas de rompre les relations économiques. Quant à la situation de la Suisse, elle est exceptionnelle : sa neutralité a une date historique fort ancienne ; elle a une position stratégique et géographique qui en fait la forteresse de l'Europe et, enfin, elle renferme des populations parlant quatre langues différentes. Pour toutes ces raisons, il insiste sur l'importance que présente le maintien de la neutralité perpétuelle suisse pour l'équilibre européen.

M. Loudon (*Pays-Bas*) demande si, dans le cas du troisième alinéa de l'article III, l'État intéressé est obligé d'entreprendre une action militaire dans le cas où il y a unanimité à cet égard dans le Conseil exécutif ?

Le Président admet que l'interprétation du troisième alinéa de l'article III est difficile. Si l'État intéressé a été invité il y a pour lui une obligation morale de se conformer à la décision du Conseil. Mais il n'est pas légalement obligé.

M. Léon Bourgeois (*France*) dit qu'il faut voir clair dans le degré d'obligation imposée à chaque État. D'après l'esprit général du pacte, les Gouvernements associés s'engagent à demander à leurs organes constitutionnels les moyens de remplir leurs obligations.

Le Président suggère que le Délégué de l'État intéressé fasse partie du Conseil pour l'affaire traitée et que son vote contraire soit susceptible d'empêcher l'unanimité ; dans ce cas, il ne serait obligé à entreprendre aucune action militaire contre sa volonté. C'est un point à étudier, et la Commission l'examinera avec le plus grand soin.

Le Comte Ehrensvar (*Suède*) s'associe aux amendements danois et norvégien et fait lui-même une déclaration (ANNEXE). Il fait remarquer l'importance des ruptures économiques et le grave préjudice qu'il en résulte pour les pays qui les décrètent. On pour-

rait dresser une échelle des sanctions économiques et fixer le maximum de l'effort militaire incombant à chaque Pays.

Le Président répond que l'article 8 prévoit déjà des précisions pour la limitation des armements.

M. Hontoria (*Espagne*) dépose au cours de cette discussion un amendement au sujet de l'article 3 (ANNEXE).

Le Baron de Wedel Jarlsberg (*Norvège*), MM. van Eysinga (*Pays-Bas*), Fortoul (*Vénézuéla*), d'Alvear (*Argentine*), Hontoria (*Espagne*) sont d'accord pour demander que les amendements relatifs à l'article xvi et à l'article III soient examinés avec la plus grande attention par la Commission interalliée.

#### ARTICLE XVII.

M. Hontoria (*Espagne*) appelle l'attention sur ce fait que, d'après les manifestations de Lord Robert Cecil, l'expression "toute action" couvre ici certaines éventualités de contrainte qui n'entrent pas, au contraire, dans une expression assez semblable de l'article xi. Il conviendrait, peut-être de remanier un peu les deux rédactions pour que l'équivoque entre les deux choses différentes ne se produise pas.

M. Ilbanes (*Chili*) dépose un amendement (ANNEXE) et fait remarquer qu'il si un État ne fait pas partie de la Société il est injuste de prendre des mesures militaires contre lui.

Le Président est d'avis qu'un État civilisé qui se déroberait au grand effort qui est accompli pour maintenir la paix dans le monde, ne pourrait pas compter sur la sympathie générale et sur les avantages qu'offre l'entrée dans la Ligue.

M. Veniselos (*Grèce*) fait observer qu'il s'agit en réalité d'établir un droit international nouveau et qu'on ne peut pas juger les obligations des États d'après les règles anciennes.

M. Léon Bourgeois (*France*) dit que dans le cas de conflit avec un État non associé, la Société emploie tous les moyens de conciliation possibles. Mais si, finalement, l'État résiste, il a pour adversaire l'ensemble des membres de la Société des Nations.

M. Hontoria (*Espagne*) craint que le mot français "contrôle" ne soit plus large que le mot anglais "supervision" et donne un prétexte à exercer le droit de visite en temps de paix.

#### ARTICLE XVIII.

Le Président fait observer qu'il existe déjà des conventions au sujet de la surveillance du commerce des armes dans certains pays et que l'article xviii a spécialement pour but de soumettre l'ensemble de ces traités à la garantie de la Société.

M. Huber (*Suisse*) dépose un amendement qui formerait un nouvel article xviii bis et aurait pour objet de maintenir le principe de la souveraineté de chaque État.

ARTICLE XVIII<sup>bis</sup>.

M. Arbelaez (*Colombie*) estime que cet amendement est inutile et que la souveraineté des États est suffisamment garantie par l'objet général du pacte et par l'article x.

## ARTICLE XIX.

Aucune observation.

## ARTICLE XX.

MM. Hontoria (*Espagne*), Rappard (*Suisse*), d'Alvear (*Argentine*) expriment le désir de leur Gouvernement respectif de collaborer étroitement à l'établissement d'une législation internationale du travail.

## ARTICLE XXI.

M. Hontoria (*Espagne*) serait heureux d'avoir des éclaircissements sur l'article XXI en ce qui concerne le caractère des dispositions qui peuvent être prises par l'entremise de la Société et en ce qui regarde leur influence sur la liberté de transaction des Hautes Parties contractantes. Il prend acte que la liberté de tractation reste entière et que les dispositions à prendre en commun pour ce qui regarde certains fleuves, certains territoires ne sont pas encore arrêtées. Il réserve donc l'opinion de son Gouvernement au sujet de celles-ci.

Le Président répond que les articles XVIII, XX et XXI sont de même classe; ils ont en vue des Conventions, soit sur le trafic des armes, soit sur le travail, soit sur le transit. L'idée qui les inspire est de réduire les surfaces de frottement d'où naissent les conflits. On a tâché d'obvier d'abord aux causes qui les provoquent, par exemple dans le cas où des fleuves accèdent à la mer entre plusieurs États riverains. Ces articles se réfèrent à des conventions existantes ou bien à des conventions élaborées par des Commissions spéciales de la Conférence de la Paix.

## ARTICLE XXII.

Aucune observation.

## ARTICLE XXIII.

Aucune observation.

## ARTICLE XXIV.

Aucune observation.

## ARTICLE XXV.

M. van Eysinga (*Pays-Bas*) demande si l'article vise les alliances défensives et offensives.

M. Loder (*Pays-Bas*) fait observer que la Délégation néerlandaise demande une information au sujet de l'article xxv. Il ajoute :

L'article abroge pour le passé et défend pour le futur toutes obligations et tous contrats incompatibles avec les termes du Pacte.

La question se pose de savoir si l'article vise également des alliances offensives et défensives.

La Délégation croit que l'article tend à les défendre.

D'après le préambule du Pacte celui-ci vise "*l'engagement*" de ne pas recourir à la guerre, tandis qu'une alliance offensive veut précisément le contraire.

Les alliances *défensives* semblent superflues à côté du vaste mécanisme, créé pour faire face à toute contravention.

Le Président répond que pour les alliances offensives il n'y a pas de doutes, elles sont interdites. Pour les alliances défensives, il y a une distinction à faire : certaines alliances défensives peuvent être conformes à l'esprit du Pacte. Le Conseil exécutif ou l'assemblée des Délégués décidera si elles sont *réellement* défensives.

M. Veniselos (*Grèce*) fait observer que les alliances défensives seraient superflues si le Pacte établissait qu'il ne peut y avoir de guerre en aucun cas. Mais, en réalité, il faut l'unanimité pour mettre le mécanisme de la Société des Nations en mouvement. Il reste donc certaines éventualités où les alliances défensives peuvent rendre de grands services comme garanties supplémentaires à l'action générale de la Société des Nations.

M. Loudon (*Pays-Bas*) note, à titre personnel, que l'article xxvi rend très difficiles les modifications à apporter au Pacte qui devrait être une chose vivante et susceptible d'évolution.

Le Président fait remarquer qu'il faut également éviter que le Pacte soit modifié à la légère.

## ARTICLE XXVI.

M. Loder (*Pays-Bas*) déclare que l'article ne vise que des modifications. Le Pacte entier suppose la durée illimitée et la soumission inévitable et naturelle des États Membres à toutes les décisions légalement prises.

Or il est possible que, soit à cause de quelque décision, soit pour d'autres circonstances, un État croie qu'il n'a plus d'intérêt de rester membre de la Ligue.

Pour ces cas il semble à la Délégation néerlandaise qu'il serait utile de régler la dénonciation.

A cet effet elle propose un dernier article (*voir Annexe*).

H. Huber (*Suisse*) donne lecture d'un amendement (ANNEXE); une fédération doit pouvoir évoluer et il faut éviter qu'un petit nombre d'États puisse prendre des décisions affectant les autres États.

Le Président remercie les Représentants des Puissances neutres pour la participation qu'ils viennent de prendre aux travaux de la Commission. Ils savent que le désir général est de ne pas borner la Société des Nations au groupe des Alliés, mais au contraire, de lui donner une base large et de l'étendre à tous les peuples civilisés. Il espère qu'une occasion nouvelle sera donnée de communiquer aux Délégués neutres les travaux de la Commission et que celle-ci examinera avec le plus grand soin les amendements qui viennent d'être déposés.

M. Loudon (*Pays-Bas*) se fait l'interprète des sentiments de l'Assemblée pour remercier le Président d'avoir convoqué les Délégués des Puissances neutres et d'avoir conduit les débats avec précision et clarté.

La séance est levée à 18 heures 30.

## ANNEXE AUX PROCÈS-VERBAUX NOS. 1 ET 2.

### AMENDEMENTS AU PROJET DE PACTE PROPOSÉS PAR LES PUISSANCES NEUTRES.

SÉANCES DES 20 ET 21 MARS 1919

TENUES À L'HÔTEL CRILLON.

#### PRÉAMBULE.

(*Aucune observation.*)

#### ARTICLE PREMIER.

(*Aucune observation.*)

#### ARTICLE 2.

##### *Espagne:*

Aux articles 2 et 3, après les mots "pour traiter des questions qui rentrent dans la sphère d'activité de la Société" et après ceux "pour traiter des questions qui rentrent dans la sphère d'activité ou intéressant la Paix du monde," ajouter "visées par les articles du présent pacte." A l'article II, au lieu de l'adjectif "déterminés," mettre "fixés d'avance."

*Norvège:*

“Les sessions de l'Association des Délégués se tiendront chaque année à une époque fixée d'avance.

Il doit être établi d'une façon indubitable que l'Assemblée des Délégués aura à déterminer dans des conventions spéciales la règle de conduite des États entre eux ainsi que les règles du droit international futur sous réserve de la ratification des États.

Le nombre des membres envoyés par chaque État doit être porté à cinq au maximum.

Les délibérations de l'Assemblée des Délégués devront être publiques si des considérations spéciales ne s'y opposent.”

*Pays-Bas:**Nouvel alinéa 3.*

“L'Assemblée des Délégués arrête des lois concernant l'exécution de la présente Constitution telles que les lois concernant la réduction des armements (art. VIII), l'organisation et la procédure de la Cour permanente de Justice internationale, visées à l'article XIII, l'organisation et la procédure de la Commission permanente de conciliation, visées à l'article XV, la préparation de l'action économique et militaire, visée à l'article VI, ainsi que tout ce qui est d'intérêt commun de tous les États contractants.”

*Suisse:**Nouvel alinéa 3.*

L'Assemblée des Délégués est compétente:

a) Pour prendre les décisions visées aux articles III, IV, VII, XV et XXIV;

b) Pour établir, dans le cadre tracé par le présent Pacte, des règlements destinés à assurer l'exécution du Pacte. Ces règlements deviennent obligatoires pour tous les États membres dès qu'ils auront été ratifiés par les trois quarts des États représentés au Conseil exécutif et les trois quarts de tous les États membres;

c) Pour préparer des conventions destinées à développer le droit des gens et l'organisation internationale. Ces conventions ne seront obligatoires que pour les États qui les auront ratifiées.

## ARTICLE 3.

*Chili:*

“Chacune des cinq Grandes Puissances aura le droit de nommer un représentant au Conseil exécutif; il serait donc juste de laisser aux Puissances secondaires le droit de désigner, à elles seules, les quatre États qui doivent les représenter.”

*Danemark:**Alinéa 1 (nouvelle rédaction).*

Le Conseil exécutif se composera de deux représentants respectivement des États-Unis d'Amérique, de l'Empire britannique, de la France, de l'Italie et du Japon ainsi que de huit représentants des autres États membres de la Société des Nations élus par les Délégués de ces derniers États à l'Assemblée des Délégués suivant les principes et les conditions qu'elle jugera convenables.

*Espagne:*

Donner une situation spéciale à l'Espagne. Établir un recours analogue à celui prévu dans les articles 57 et 58 du projet suisse.<sup>1</sup>

*Norvège:*

"Le Conseil exécutif devra être en principe permanent, mais devra être autorisé à ajourner ses réunions pour se réunir de nouveau lorsque le besoin s'en fera sentir ou sur la réclamation d'un des États représentés au Conseil.

Aucun État ne doit avoir plus d'un représentant au Conseil exécutif. Les Membres nommés par l'Assemblée des Délégués doivent rester en fonctions pendant 3 ans.

Augmentation du nombre des États représentés dans le Conseil exécutif jusqu'à quinze au moins."

*Suède:*

Le Gouvernement du Roi désire, si possible, que le nombre des Représentants sur le Conseil exécutif des États secondaires soit augmenté. La Délégation est prête à recommander la proposition faite par le Représentant de Danemark dont le but, sinon les détails, qui n'ont pas été discutés par le Gouvernement, semble être de nature à donner satisfaction.

D'après l'opinion de la Délégation, le Pacte lui-même doit contenir des dispositions quant à la manière de désigner les Représentants des États secondaires. La Délégation voudrait recommander à un examen bienveillant de la Conférence une suggestion en vue de pourvoir à une représentation aussi équitable que possible des Puissances secondaires et de classer celles-ci en groupes différents. Ces groupements pourraient être basés sur le site géographique des États, leur communauté en langue ou culture, etc. Si possible, ces différents groupes devraient être, à tour de rôle, représentés dans le Conseil exécutif.

En outre, la Délégation recommande des dispositions en vue de faciliter l'entrée en fonction du Conseil exécutif dans le plus bref

<sup>1</sup> For this, see Permanent Court of International Justice, Advisory Committee of Jurists, *Documents Presented to the Committee*, London, 1920, page 150 sqq.

délai. C'est à raison de la tâche importante de ce Conseil que la Délégation suggère cette disposition.

ARTICLE 4.

(*Aucune observation.*)

ARTICLE 5.

*Danemark:*

*Alinéa 2.*

Le Secrétariat comprendra les secrétaires et le personnel nécessaires sous la direction et le contrôle d'un Secrétaire général qui sera choisi par l'Assemblée des Délégués sur la proposition du Conseil exécutif.

*Espagne:*

Les Secrétariats et le personnel appartiendront, autant que possible, aux diverses nationalités.

Indiquer quel sera l'organe de la Société qui arrêtera le budget et approuvera les comptes.

ARTICLE 6.

(*Aucune observation.*)

ARTICLE 7.

*Norvège:*

"On devra rendre aussi facile que possible l'admission à la Société. On est d'avis que tout État autonome, y compris les possessions et colonies, doivent pouvoir en faire partie, pourvu toujours que l'État en question ait la volonté et la faculté de tenir les engagements internationaux qui incombent aux membres de la Société. Si l'on maintient qu'un vote de l'Assemblée des Délégués soit une condition de l'admission comme Membre de la Société, la simple majorité des voix devra être estimée suffisante."

*Suède:*

La Délégation s'associe à la proposition suisse.

*Suisse:*

(*Nouvelle rédaction.*)

"Les États qui ne sont pas signataires du présent Pacte ni nommés dans le Protocole ci-annexé parmi ceux qui doivent être invités à lui donner leur adhésion, peuvent y adhérer en tout temps pour autant:

a) Qu'ils offrent des garanties effectives de leur intention loyale d'observer les obligations internationales;

b) Qu'ils se conforment aux principes que la Société pourra poser en ce qui concerne leur forces et armements militaires et navals;

c) Qu'ils sont des pays de Self-Government total, ce qui comprend les Dominions et les colonies.

L'Assemblée des Délégués, dans l'année qui suivra la déposition d'une demande d'admission, décidera, à la majorité des deux tiers, si les conditions ci-dessus sont réalisées."

#### ARTICLE 8.

*Danemark:*

##### *Alinéa 1.*

Après les mots: "sans l'autorisation du Conseil exécutif" ajouter:

"Le plan de réduction sera soumis à la décision de l'Assemblée des Délégués."

##### *Alinéa 2.*

Les Hautes Parties contractantes, s'accordant à reconnaître que la fabrication privée des munitions et articles de guerre prête à de graves objections, chargent le Conseil exécutif d'aviser à la manière dont *cette fabrication peut être prohibée.*

*Espagne:*

Remplacer dans le texte français les mots "Soumettre à l'examen de chacun des Gouvernements" par d'autres correspondant plus exactement aux expressions anglaises "Shall also determine for the consideration and action of the several Governments."

Ajouter à la fin du premier alinéa ceci:

"L'augmentation pourra être réalisée si elle réunit un tiers de votes favorables du Conseil exécutif. Si elle n'obtient pas ce nombre de votes favorables, la partie intéressée peut en saisir l'Assemblée des Délégués, à sa première séance, et l'augmentation pourra être réalisée si elle obtient un tiers du nombre de votes favorables."

Remplacer, au deuxième paragraphe, les mots "aviser à la manière" par d'autres mots correspondant plus exactement à l'expression anglaise "advise how" exprime plutôt l'idée d'étude et de conseil."

*Norvège:*

Se joignant à l'amendement français, on recommande un contrôle, plus sévère des armements et de la réduction de ceux-ci. En particulier, il faut enlever la fabrication des armes à la spéculation privée.

*Pays-Bas:*

“L’Assemblée des Délégués fera une loi sur la limitation des armements.”

## ARTICLE 9.

*Danemark:*

Après les mots “militaires et navales.” Ajouter: “Cette Commission contrôlera les armements des différents États et surveillera l’exécution du plan adopté.”

*Espagne:*

A l’article IX ou à l’article VIII si l’amendement Bourgeois était adopté, préciser que toutes les Puissances représentées diplomatiquement au Siège social auront le droit de se faire représenter dans la Commission par des experts militaires ou navals. ....

*Suède:*

Le Gouvernement du Roi, qui attache le plus vif intérêt au principe de la réduction des armements, recommande spécialement un contrôle efficace des armements, ainsi que cela a été prévu par le projet de la Délégation danoise. La Délégation suédoise est d’avis que, sans un tel contrôle, le but visé par l’article 8 serait manqué ou mis en danger.

## ARTICLE 10.

*Chili:*

Cet article établit le but essentiel de la Société des Nations: respecter et préserver contre toute agression extérieure l’intégrité territoriale et l’indépendance politique de tous les États adhérents.

Mais il y a un troisième élément aussi important que les deux autres déjà indiqués, et qu’il conviendrait d’inclure expressément dans l’article 10: c’est le texte des Traités.

Les Traités constituent, en effet, une des sources fondamentales du droit des gens, et la seule qui a un caractère positif et simple.

*Espagne:*

A l’article x même observation qu’au sujet de l’article VIII en ce qui concerne les expressions “aviser aux moyens propres” et “shall advise upon the means.”

## ARTICLE 11.

*Espagne:*

Bien préciser que l’expression “toute action” correspond aux bons offices, à la médiation et aux moyens pacifiques en général.

## ARTICLE 12.

*Espagne:*

Au premier paragraphe ajouter "unanime" après le mot "recommandation."

La Délégation espagnole accepterait la prolongation du délai de trois mois à six mois (deuxième paragraphe).

*Norvège:*

Les conflits internationaux doivent en tout premier lieu être appelés devant des institutions spéciales permanentes de conciliation avant qu'ils soient soumis au Conseil exécutif selon l'article xv.

En principe, il est désirable que toute restriction à l'obligation de recourir à l'arbitrage basée sur la nature ou l'origine des conflits soit supprimée.

*Suède:*

La Délégation suédoise, en accord avec la proposition danoise, voudrait proposer la création de commissions spéciales de conciliation et d'enquête. Le Comité nommé par le Gouvernement du Roi en vue d'élaborer un projet de convention relative à une organisation juridique internationale considère la création de ces organes comme de la plus haute importance.

*Suisse:**Alinéa 1.*

Les Hautes Parties contractantes conviennent que, s'il venait à s'élever entre elles des différends qui n'auraient pu se régler ni par les procédés ordinaires de la diplomatie *ni par une Commission de conciliation et d'enquête choisie par les Parties*, elles ne devront en aucun cas recourir à la guerre sans avoir préalablement soumis les éléments du différend à un arbitrage ou à une enquête confiée au Conseil exécutif.

## ARTICLE 13.

*Pays-Bas:*

Les différends d'ordre juridique, en particulier ceux qui ont trait à l'interprétation ou à l'application des conventions internationales, et qui ne peuvent pas être réglés par la diplomatie, seront soumis à l'arbitrage conformément aux conventions existantes entre les Hautes Parties Contractantes. En l'absence de telles conventions, la question sera soumise à la Cour permanente de justice internationale (art. 14). L'organisation et la procédure de cette Cour seront établies par l'Assemblée des Délégués.

*Suisse:*

Les Hautes Parties Contractantes conviennent que, toutes les fois qu'il s'élèvera entre elles un différend susceptible d'une solution arbitrale, après avoir, sans succès, tenté de le régler par la voie diplomatique ou par une Commission de conciliation et d'enquête choisie par les Parties, elles soumettront, *sur la demande d'une des parties*, la question dans sa totalité à l'arbitrage. La Cour..... (cf. projet de Paris).....préexistante.

Si une des Parties conteste que le différend soit susceptible d'une solution arbitrale, en alléguant soit qu'il n'est pas de nature à faire l'objet d'une sentence dictée par des considérations juridiques, soit qu'il touche à son indépendance ou à ses intérêts vitaux, cette question devra être renvoyée à un tribunal spécial composé<sup>1</sup> de la manière suivante: chaque Partie désigne un membre du Conseil exécutif et un membre de la Cour permanente de Justice internationale. Deux autres membres sont désignés par cette Cour elle-même parmi ses membres. Enfin, un membre est choisi par le Conseil exécutif parmi ses membres. Le tribunal ainsi composé nomme lui-même son président parmi ceux des membres qui sortent de la Cour permanente de Justice internationale.

Si le tribunal admet l'exception, la Partie qui se voit refuser la voie judiciaire peut saisir de l'affaire le Conseil exécutif, qui procédera ensuite conformément aux articles 12 et 15.

Les Hautes Parties Contractantes conviennent d'exécuter..... (voir projet de Paris).

## ARTICLE 14.

*Danemark:*

(Nouvelle rédaction.)

"Le Conseil exécutif arrêtera le plan de création d'une Cour permanente de Justice internationale et d'une Commission permanente de Conciliation; ces plans seront soumis à l'approbation de l'Assemblée des Délégués.

"L'organisation de la Cour sera basée sur le principe de l'égalité juridique des États. La Cour, dès son établissement, aura compétence pour entendre et juger toute question susceptible d'être arbitrée par elle aux termes du présent article."

*Norvège:*

On devra tâcher d'établir, dès à présent, les règles de détail relatives au fonctionnement de la Cour permanente de Justice internationale (voir le projet scandinave,<sup>2</sup> articles 10 à 39).

<sup>1</sup> A Danish proposal of amendment here was to strike out the rest of the paragraph and insert: "suivant les principes et les conditions que l'Assemblée des Délégués jugera convenables."

<sup>2</sup> For this, see Permanent Court of International Justice, Advisory Committee of Jurists, Documents Presented to the Committee, London, 1920, page 252 sqq.

*Suède:*

Le Gouvernement du Roi attache le plus grand intérêt à ce que les dispositions concernant la création d'une Cour permanente de Justice soient arrêtées déjà maintenant et insérées dans le projet.

D'après le projet du Comité suédois, les membres de cette Cour devraient être au nombre de quinze et élus d'une manière à sauvegarder le principe de l'équité juridique des États différents (art. 10 à 39), principe qui ne doit trouver aucune opposition quand il s'agit d'un organe d'un caractère exclusivement juridique. Si l'on ne croit pouvoir adopter le système préconisé par la Commission suédoise, il y aurait lieu, d'après nous, d'étudier le système suisse qui, avec certaines différences dans les détails, est basé sur le même principe.

Peut-être ne trouve-t-on pas opportun ou possible d'insérer des dispositions sur l'élection des membres de la Cour dans le projet lui-même. En ce cas, il faut au moins, comme le fait le projet de la Délégation danoise, établir dans le Pacte même que l'organisation de la Cour doit être basée sur le principe de l'égalité juridique des États.

Vu l'importance vitale de cette institution, il semble que, si le plan de sa création ne peut pas être arrêté dans ce Pacte, cette tâche doit être confiée à l'Assemblée des Délégués et non au Conseil exécutif.

*Suisse:**(Rédaction nouvelle.)*

"Il est créé une Cour permanente de Justice internationale accessible en tout temps aux Parties contractantes. Elle est compétente soit en vertu d'un accord entre les Parties, soit à la demande de l'une ou de l'autre des Parties, si celles-ci n'ont pu se mettre d'accord en temps utile sur le compromis prévu à l'article 52 de la Première Convention de la Haye, du 12 octobre 1907.

"La Cour permanente de Justice internationale est nommée par l'Assemblée des Délégués pour une durée de neuf ans. Chaque État propose au moins un et au plus quatre candidats dûment qualifiés, disposés à accepter les fonctions de juge et dont un au moins ne devra pas être ressortissant dudit État. Chaque État désigne ensuite quinze personnes prises sur la liste ainsi composée. Les quinze candidats qui ont recueilli le plus grand nombre de voix sont élus.

"Le Cour permanente de Justice internationale est composée de cinq juges lorsqu'elle statue à l'ordinaire sur les différends qui lui sont soumis.

"Dès qu'un différend est pendant devant la Cour, chaque Partie doit, dans le délai de quatre semaines, récuser cinq juges. Si une

Partie laisse écouler ce délai sans procéder à cette récusation, le sort désigne les cinq juges qu'elle aurait dû récuser; on procède de la même manière lorsque les récusations des deux Parties ont porté sur moins de dix juges.

"Les juges qui sont ressortissants d'un État-Partie ou à son service, ou qui sont établis sur son territoire, sont récusés d'office. Dans le cas où la Cour est compétente, parce que les Parties n'ont pu s'entendre en temps utile sur la composition du Tribunal d'arbitrage, chaque Partie a la faculté de désigner un membre quelconque de la Cour dont la récusation par la Partie adverse est interdite.

"Les cinq juges non récusés élisent parmi eux le président."

#### ARTICLE 15.

##### *Pays-Bas:*

Tous les différends autres que ceux mentionnés à l'article 13 et qui n'ont pas été réglés par la diplomatie seront soumis aux Commissions de conciliation conformément aux conventions existantes. En l'absence de telles conventions, la question sera portée devant un Conseil permanent de conciliation établi par l'Assemblée des Délégués.

##### *Suisse:*

Au lieu de "l'unanimité" dire "l'agrément des trois quarts des membres du Conseil exécutif, représentant en même temps les trois quarts des populations de la Société."

#### ARTICLE 16.

##### *Danemark:*

Après l'alinéa 1 ajouter:

"Les États dont on désirera la coopération aux mesures militaires ou économiques seront convoqués aux délibérations au sujet de cette coopération et prendront part à la décision qui interviendra à cet égard.

"En désignant les États devant participer à des mesures militaires ou économiques il sera tenu compte des difficultés spéciales qu'une participation à ces mesures pourrait occasionner à des États dont la situation *in casu*, en raison de leurs conditions géographiques et militaires, serait plus dangereuse que celle d'autres États.

"Les dépenses occasionnées par l'exécution des mesures décrétées par la Ligue des Nations seront réparties proportionnellement parmi tous ses membres.

"Les États qui, par leur histoire et leur politique de paix, offrent des garanties durables d'impartialité, auront la faculté de déclarer leur neutralité permanente. Il s'en suivra que leur territoire sera

inviolable et restera en dehors des opérations militaires tant au cas de guerres auxquelles participeraient des États ne faisant pas partie de la Ligue des Nations, qu'au cas où des mesures d'ordre militaire devraient être prises par la Ligue elle-même pour assurer le respect du Droit ou le maintien de la Paix.

"Au cas où la résolution d'employer des mesures de coercition n'aurait pas été prise par l'Assemblée des Délégués à l'unanimité, les États qui n'ont pas voté pour l'emploi de ces mesures ne pourront pas être obligés de prendre part à des mesures de coercition militaire.

"En cas que l'emploi de mesures coercitives soit décidé, il sera....." (Voir le Projet de Paris).

#### *Norvège:*

"Un acte international spécial devra établir le moment où un membre de la Société aura rompu ses engagements et indiquer les mesures coercitives dont il sera fait usage."

"Il est bien entendu que les moyens militaires ne devront pas être employés avant qu'il soit démontré ou évident que les autres mesures ne mènent pas au but.

"Les petits États ne devront pas être tenus de prendre part aux mesures de nature militaire vis-à-vis des États qui ne sont pas membres de la Société.

"En général, le Gouvernement norvégien est d'avis que les petits États devront pouvoir organiser leurs armées essentiellement en vue de leur propre défense."

#### *Pays-Bas:*

"L'Assemblée des Délégués fera une loi sur la préparation de l'action collective tant économique que militaire."

#### *Nouvel alinéa 2.*

"La Commission permanente de conciliation visée à l'article 15 établira, à la requête d'une des Hautes Parties contractantes, si, par qui et à quel moment l'engagement pris en vertu de l'article 12 aurait été rompu ou méconnu."

#### *Suède:*

La Délégation suédoise, se conformant aux instructions de son Gouvernement, s'associe au projet des Délégations danoise et norvégienne en ce qui concerne la disposition prescrivant que les États, dont on désirera la coopération aux mesures militaires et économiques, seront convoqués aux délibérations et aux décisions y relatives.

La Délégation suédoise trouve juste et nécessaire que des sanc-

tions économiques et militaires soient prises pour garantir l'application des principes de la Société des Nations, mais elle se demande s'il est opportun d'employer immédiatement la mesure économique la plus rigoureuse contre un État en rupture de Pacte, c'est-à-dire l'interdiction absolue de toute communication financière et commerciale. Il ne faut pas oublier que cette mesure est de nature à porter un grave préjudice même au pays qui la décrète. Il serait désirable que l'on pût établir des mesures économiques différentes qui ne seraient appliquées qu'à tour de rôle et d'après leur rigueur croissante.

Quant aux obligations militaires des membres de la Société des Nations, la Délégation prie la Conférence de vouloir bien examiner s'il n'y aurait pas moyen de fixer le maximum d'efforts militaires qu'un État devait donner comme participant à une action commune de la Société.

La Délégation suédoise comprend la difficulté, sur le manque de temps, de prendre une disposition aussi importante, mais peut-être pourrait-on se mettre d'accord pour qu'elle soit prise en considération par les organes de la Société des Nations dans le plus bref délai possible.

D'après l'article 1 alinéa 1, les Parties contractantes s'engagent à interdire toutes communications financières, etc., entre les nationaux de l'État en rupture de Pacte et les nationaux de tout autre État, membre ou non de la Société.

La Délégation suédoise se demande s'il est compatible avec les principes de droit que des États hors de la Société des Nations doivent aussi être privés de leurs rapports avec l'État en rupture de Pacte.

Il n'apparaît pas clairement si, en ce cas, des communications entretenues malgré une telle défense par un État non-membre de la Société des Nations doivent être considérées comme *casus belli*. La Délégation ne peut croire que le Pacte doit être interprété ainsi, mais veut en tous cas faire ses réserves contre une telle disposition qui ne lui semble pas motivée.

#### ARTICLE 17.

##### *Chili:*

"L'invitation aux États non-membres de la Société, envisagée dans cet article en vue d'obtenir qu'ils acceptent les obligations de membres de la Société, en cas de différend avec un autre État, n'a aucun inconvénient dans l'affirmative.

"Mais, en cas de refus, l'application du Pacte, par voie d'autorité, à des États-non-adhérents, porterait atteinte à leur souveraineté et à leur indépendance, qui constituent la base actuelle du Droit des Gens."

La Société des Nations comprendra, certainement, presque toutes les Puissances, et aura une telle force et un tel prestige qu'elle n'a pas besoin d'avoir recours à des mesures de contrainte contre les États non-associés, pour éviter les guerres et atteindre son but.

Je propose donc de supprimer la dernière partie de l'article 17, à partir des mots: "Si la Puissance ainsi invitée refuse d'accepter, etc."

#### ARTICLE 18.

##### *Espagne:*

Le mot "contrôle" du texte français donne à l'engagement une portée plus large que l'expression anglaise "supervision"; il serait préférable de s'en tenir à celle-ci, bien entendu que, en tous cas, les moyens pour exercer la "supervision" seront arrêtés par la Société plus tard.

Ajouter un paragraphe ainsi conçu:

"Sur la demande de la Puissance intéressée, les autres Parties contractantes s'engagent à édicter la prohibition de tout commerce, à transit inclus, d'armes et de matériel de guerre avec les Colonies et Protectorats."

#### ARTICLE 18 bis.

##### *Suisse:*

#### (ARTICLE NOUVEAU.)

"Sous réserve des dispositions du présent Pacte, la souveraineté des États membres reste intacte et la Société ne s'occupera pas des affaires intérieures des États."

#### ARTICLES 19 A 25.

#### (Aucun amendement.)

#### ARTICLE 26.

##### *Chili:*

La Société des Nations étant contractée à perpétuité, les Gouvernements actuels doivent engager indéfiniment la volonté des peuples et des Parlements futurs, risquant ainsi une partie de la propre stabilité de la Société.

Le projet établit donc pour la Société une constitution trop rigide, à laquelle il conviendrait de donner un peu de souplesse, établissant les délais, cas et conditions qui permettraient à un État de s'en écarter.

*Pays-Bas:*

*Nouvel alinéa.*

"Le présent Pacte pourra être dénoncé et la dénonciation produira ses effets un an après la notification au Secrétariat général."

*Norvège:*

"L'unanimité au Conseil exécutif ne devra pas être indispensable pour apporter des modifications au Pacte. De même qu'à l'Assemblée des Délégués, il devra pour cette institution être suffisant d'obtenir une majorité des trois quarts des voix."

*Suisse:*

*Alinéa 2 nouveau.*

Première variante: "La revision du Pacte ne peut porter sur ses éléments essentiels, ni créer, modifier ou abolir des droits spéciaux ou des obligations particulières à l'égard de certains États ou groupes d'États. Les dispositions relatives à ces matières ne peuvent être modifiées que du libre consentement des intéressés."

Deuxième variante: "En cas de revision du Pacte [portant sur des éléments essentiels ou créant, modifiant ou abolissant des droits spéciaux ou des obligations particulières à l'égard de certains États ou groupes d'États,] <sup>1</sup> les États non-consentants pourront dénoncer le Pacte."

*Alinéa 3 nouveau.*

"Les contestations relatives à l'application de l'alinéa qui précède seront jugées par la Cour permanente de Justice internationale statuant en séance plénière."

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#### ENGLISH TEXT.

A meeting was held at the Hotel Crillon at 3 o'clock on March 20th, at which representatives of the neutral States expressed their views on the draft Covenant of the League of Nations to a Committee of the League of Nations Commission.

PRESENT:

*Sub-Committee Representing League of Nations Committee.*

LORD ROBERT CECIL.

M. HYMANS.

COLONEL HOUSE.

M. VESNITCH.

M. LEON BOURGEOIS.

M. VENIZELOS.

<sup>1</sup> The original Swiss proposal of this second version omitted the words in brackets.

*Representatives of Neutral Countries.*

## ARGENTINE:

M. T. d'Alvear, Minister at Paris.

## CHILE:

Ibanez, Minister at Paris.

## COLOMBIA:

Carlos Arbelaez, Minister at Paris.

## DENMARK:

H. H. Bernhoft, Minister at Paris.

Dr. P. Munch, Minister of Defence.

H. Neergaard, Member of Lower House.

## HOLLAND:

Loudon, Former Prime Minister.

Assistant delegates:

Loder, Member of High Court of Justice.

Jonkheer van Eysinga, Prof. at University of Leyden.

## NORWAY:

Baron Wedel Jarlsberg, Minister at Paris.

## PARAGUAY:

Arnold Schoch, Chargé d'Affaires.

## PERSIA:

Mockaverol-Memalek, Persian Minister for Foreign Affairs.

## SALVADOR:

Mathen, Chargé d'Affaires.

## SPAIN:

Gongalez Hontoria, Deputy and late Under-Secretary for Foreign Affairs.

## SWEDEN:

Count Ehrensvar, Minister at Paris.

Count Wrangel, Swedish Minister in London.

## SWITZERLAND:

Federal Counsellor Calonder, Chief of Political Department.

Alfred Frey, Deputy of Swiss National Council.

Prof. Max Huber, Legal Advisor at Foreign Office.

Rappard, Prof. at University of Geneva.

## VENEZUELA:

Fortoul, Minister at Paris.

Lord Robert Cecil opened the meeting by saying that in the peculiar circumstances in which they found themselves it was necessary that the meeting should be wholly unofficial. Its object was simply to get the help of the neutral States in considering the project. He emphasized that the intention of the project was to form a League of Nations, and not a League of Allies. It would be advisable not to discuss at that meeting the general principles which should underlie the League, but to hear what particular alterations or amendments the neutral States desired to see in the Covenant.

The Argentine representative said that owing to the shortness of the notice received, it had been impossible for him to receive instructions from his Government, which had not foreseen that their views would be invited unofficially and hoped to present them officially.

The representative of Venezuela asked whether the subject of conversation would be the Covenant of the 14th February or whether that Covenant would be submitted with any amendments.

Lord Robert Cecil said it was the Covenant of February 14th, which was given to the world then in order to call forth expressions of opinion from all civilised Governments. If amendments were made, it would have to be carefully considered whether an opportunity would be given for their discussion.

M. Bourgeois pointed out that on February 14th certain amendments were suggested which he presumed could be discussed.

The Swiss Delegation said that in order to shorten the discussion they would not express general views which they would submit in writing, but confine themselves to particular points.

In answer to a question, Lord Robert Cecil declared that the English text of the Covenant was the authentic one.

The Chilean representative stated that his Government adhered to the scheme, and hoped that President Wilson's declaration that justice must be done to small nations would be upheld.

It was decided to go through the Covenant article by article, and to postpone for the present the consideration of the Preamble.

## ARTICLE I.

No comment was made.

## ARTICLE II.

The Swiss Delegation submitted an amendment.

The Spanish representative stated that his Government had some weeks ago appointed a commission to discuss the Covenant.

That Commission considered it acceptable in its general lines, and his observations would be chiefly requests for explanations rather than criticisms.

On this article he had two suggestions to make. He considered that paragraph B. of the Swiss amendment was not sufficiently defined.

The Swiss Delegation replied that the definition in question was implicit in the whole Covenant.

Lord Robert Cecil said that the Commission would carefully consider the Swiss proposal.

The Norwegian Government proposed certain amendments.

Lord Robert Cecil explained that the expression "Stated intervals" meant that the Body of Delegates should fix for itself the frequency of its meetings, but must decide upon *regular* meetings, so that it would not be possible that through negligence or any other cause an indefinite period should elapse without a meeting being held. The Norwegian suggestion would be considered by the Commission.

The Dutch Delegation raised the question of how far the constitution of the League of Nations encroached upon the sovereignty of its constituent States. They considered that it was essential that the sovereignty of individual States should not be limited.

Lord Robert Cecil said that the Commission had always considered that unless the contrary were stated in the Covenant, the sovereignty of the individual States always remained intact.

M. Venizelos pointed out that the Swiss Delegation had put in an amendment on this subject to Article XVII. It was agreed to postpone the consideration of the question until that amendment was reached.

### ARTICLE III.

The Danish Delegation proposed an amendment.

The Dutch Delegation remarked that, in spite of its name, the Executive Council had much more than merely executive powers, and asked whether in cases where it was directed to give advice or make recommendations, such advice or recommendations would be addressed to the Body of Delegates or to the separate Governments.

Lord Robert Cecil said that it has been thought that the Executive Council, being smaller, could be more easily approached in times of crisis. Its powers did not constitute any limitation of those of the Body of Delegates.

With regard to the second question raised by the Dutch Delegation, he thought that the separate articles made it clear to whom the Executive Council was to supply advice, etc., on different occasions, and requested that the Dutch representatives should in any

particular case where they felt doubtful on this point raise the question when that particular article was reached.

The Dutch Delegation considered that the rights of the Body of Delegates should be more exactly defined.

The Swedish Delegation stated that their Government wished to see increased representation for small States, and supported the Danish proposal.

The Chilean representative pointed out that the five Great Powers, besides appointing their own representatives, would take part in the choice of the four States which should represent the smaller Powers. He considered this unfortunate.

Lord Robert Cecil explained that the original proposal did not allow for any representation of the smaller Powers on the Executive Council. The nine representatives of the smaller Powers on the League of Nations Commission protested, and the Commission agreed to add four smaller Powers to the Executive Council. They had had to think not only of ideal justice, but of creating an assembly by which to carry out efficiently the great tasks assigned to the Executive Council.

The Norwegian Delegation handed in certain amendments.

The Dutch Delegation considered that the Body of Delegates ought not only to choose the four representatives of the smaller Powers, but that the principle which should guide their choice ought to be part of the Covenant itself.

M. Venizelos said that the small Powers on the Commission had had a hard fight about this article, and had concluded that four to five was a fair proportion from the point of view of justice and of efficiency. It was generally agreed that when more Great Powers, such as Germany or Russia, were added to the Executive Council, the representation of the smaller Powers should be proportionately augmented.

The Spanish Government proposed an amendment.

M. Bourgeois remarked that the amendments proposed were of two kinds:

1. Those which proposed a different proportion of representation as between small and Great Powers.
2. Those which proposed an alteration in the actual number of members represented.

The Spanish representative said that all had, however, wanted an increase in the Council.

Lord Robert Cecil pointed out that the Dutch Delegation had expressed itself as satisfied with the Covenant on this point.

The Swiss Delegation supported the Danish amendment, and also the amendment proposed by Chile.

In reply to an observation by the Chilean representative, Lord

Robert Cecil said that, when the Covenant was drawn up, the view had always been taken that all neutrals would immediately become members of the League.

The Swedish Delegation thought that classes or groups should be established among the smaller States, and that election should be so arranged as to avoid any country being always left out.

Switzerland objected to the Dutch proposal that the Commission should decide the principles of the election of the representatives of the small States. The provision of the Covenant was fairer and more liberal.

Lord Robert Cecil remarked that that had been the view of the Commission itself.

The Swedish Delegation proposed that the Covenant should contain directions for the summoning of the Council in case of urgency.

Lord Robert Cecil pointed out that nothing in the Covenant prevented constituent States from having permanent representatives at the seat of the League.

#### ARTICLE IV.

No observations.

#### ARTICLE V.

The Danish Delegation proposed an amendment, which was supported by the Swiss, Dutch and Swedish representatives.

The Spanish representative expressed the wish that so far as possible the personnel of the secretariat should be international.

#### ARTICLE VI.

No observations.

#### ARTICLE VII.

The Swiss Delegation proposed a redraft of this article.

The Dutch, Swedish and Norwegian Delegations supported the Swiss proposal.

The Dutch representative asked whether self-governing Dominions and Colonies admitted under Article VII would have a vote.

Lord Robert Cecil pointed out that the question of voting in the Body of Delegates would very rarely be an important one, but that the Commission had considered that every State represented, including Dominions and Colonies, whatever its size or power, should have one vote and no more.

The Norwegian Delegation considered that admission to the League should be made as easy as possible, and therefore that a simple majority of votes should be enough.

## ARTICLE VIII.

The Dutch Delegation considered that the Body of Delegates should have power to make regulations with regard to disarmament.

The Spanish representative said that his Government would prefer the plan of the Covenant, but that an increase of armaments above the specified limits should be allowed with the permission of a certain proportion of the Executive Council instead of requiring unanimity.

The Danish and Norwegian Delegations expressed the pleasure of their Governments at the fact that the Covenant voiced the necessity of disarmament. The Danish Delegation, supported by those of Norway and Switzerland, thought that the private manufacture of munitions of war should be absolutely prohibited.

The Swedish Delegation expressed agreement with the general idea of the article, but thought that the control should be made stricter.

## ARTICLE IX.

The Danish Delegation thought that the Commission should supervise the carrying out of Article VIII.

The Swedish Delegation adhered to this.

M. Bourgeois recalled the fact that the French Delegation had desired that this Commission should prepare and study for eventual military action by the League.

## ARTICLE X.

The Chilean representative desired to include in this article a guarantee of all Treaties, including commercial Treaties.

## ARTICLE XI.

The Spanish Delegation asked whether the words "reserve the right to take any action, etc.," did not imply the right to go to war.

M. Hymans said that it merely stated the general principle, the application of which was defined in that and the following articles.

## ARTICLES XII, XIII AND XV.

The Swiss Delegation had certain amendments to propose to this article. They considered that Commissions of Conciliation should be a permanent part of the League. Under the Covenant the Executive Council would hardly prove equal to its functions. It was really a political body, and existed for the purpose of keeping the peace of the world and to deal only with big and dangerous

matters. Again, it could not be turned to at a moment's notice. Conciliation is better than arbitration, which often leaves bitterness behind it.

The Dutch Delegation was strongly in favour of setting up Boards of Conciliation, and had an amendment to propose to Article xv in this sense.

It was agreed on Lord Robert Cecil's suggestion to discuss now the question of whether there should be conciliation before the question was taken to the Executive Council. He asked leave to explain shortly the intention of the Covenant.

1. Where arbitration was possible, this had been considered to be the best method.
2. In other cases, either party could take the question either to the Executive Council or to the body of Delegates. These bodies could then take one of three courses :
  - (a) send the case to arbitration or to a judicial court, for their advice.
  - (b) appoint a special Commission to investigate and advise on the dispute.
  - (c) retain the matter entirely in their own hands and try to bring the parties together and arrange the affair by conciliation.

The Covenant does therefore envisage a procedure intermediate between arbitration and decision by the Executive Council or body of Delegates.

The Dutch Delegation supported the creation of Commissions of Conciliation to consist of persons not connected with the Governments of their countries. They desired compulsory arbitration for all justiciable disputes,—a permanent court to decide which were justiciable; all other disputes to go to the permanent Board of Conciliation.

The Norwegian Delegation also supported the plan of submitting disputes to permanent Boards of Conciliation before they went to the Executive Council.

The Swedish Delegation supported the Swiss suggestion.

#### ARTICLE XII.

The Swiss Delegation expressed regret that the Covenant does not absolutely forbid war.

#### ARTICLE XIII.

The Swiss Delegation supported compulsory arbitration for justiciable cases, subject to interpretation by a special court.

On this point Lord Robert Cecil thought it advisable without

wishing in any way to curtail the discussion, to remark that the question of compulsory arbitration had been discussed at great length during the sittings of the Commission, and that those who supported it were arguing against the considered decision of that Commission.

M. Bourgeois pointed out that although arbitration was not compulsory in the Covenant, a pacific solution *was* compulsory.

#### ARTICLE XV.

Last Paragraph: The Dutch Delegation pointed out the serious difference between the French and English texts.

It was agreed that the next meeting should be held on Friday, March 21, at the same time and place.

The Norwegian and Swedish representatives said that their special delegates would not arrive until the evening of March 21. Colonel House said that if they then had any points which they particularly desired to raise, the Committee would be very glad to meet later and hear them.

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At an adjourned informal meeting between the representatives of the neutral States and a Committee of the League of Nations Commission, held at the Hotel Crillon on March 21st, the consideration of the draft Covenant of February 14th was continued.

The list of those present was the same as on March 20th.

#### ARTICLE XIV.

Amendments were suggested by the representatives of Switzerland, Denmark, Norway and Sweden.

The Swiss delegation remarked that the objections to compulsory arbitration did not apply to the creation of a judicial court, which would lay no obligation on the States members of the League.

Their proposition had two advantages:

1. It would assure to the court the collaboration of the most eminent judges of the nations composing the League.
2. It would leave no doubt of the complete impartiality of the court.

The Danish delegation supported the Swiss proposal, with the addition that a permanent Board of Conciliation should be set up. On the composition of the Court they had no detailed suggestions to make, but thought that it must follow the principle of the perfect equality of States.

The Norwegian and Swedish delegations asked that attention might be given to Articles 10 to 39 of the project of the Scandinavian Governments.

Lord Robert Cecil asked how long it took for the Hague Conference to decide the composition of its Court of Justice.

Monsieur Bourgeois remarked that the Governments concerned could not come to an agreement; but he added that the arbitration Court at The Hague had rendered very great services, and that there could be no question of suppressing it.

The Swedish representative said that his Government realised the great difficulty of the question, and therefore if their own suggestion was not acceptable they would adhere to that of Switzerland, or would be content if the principle of the juridical equality of States was expressly set forth in the Covenant.

The Swiss representative asked the Committee to give the most earnest consideration to the present suggestion, even although the question had already been discussed at length during the meetings of the Commission. As the neutrals had not taken part in those meetings and this was perhaps the last chance they would have of expressing their views, it was all the more necessary to give them a real hearing now. The League would have a short life unless public opinion were really behind it.

Lord Robert Cecil said that the Commission would certainly take all the amendments suggested into their most careful consideration.

The Spanish delegates supported the principle of the juridical equality of States.

#### ARTICLE XVI.

Amendments were proposed by Holland, Norway and Denmark.

The Dutch representative said that the Article dealt with two different things—the establishment of the breach of Covenant under Article XII, and the action resulting therefrom. On the first, the Board of Conciliation proposed by them should pronounce; as to the second point, they thought that the Body of Delegates ought to make precise regulations for the military and economic action of the League. This was in the same spirit, though not exactly the same in the letter, as the French amendment to Article IX.

Lord Robert Cecil pointed out that certain difficulties would be involved.

The Norwegian representative considered that small States should not have to take military action against non-member States and that they should regulate their armaments with regard to their own defence.

Lord Robert Cecil said that this was the real sense of Article VIII.

Monsieur Bourgeois added that economic action was automatic, but military action would require separate ratification.

With regard to the Danish amendment, Lord Robert Cecil asked whether a State enjoying permanent neutrality would avoid the three separate obligations of Article xvi—*i.e.*, economic action, military action and giving passage to the forces of the League.

The Danish representative replied that they would avoid the second and third obligations.

Monsieur Bourgeois remarked that the carrying out of the first obligation was complete abandonment of neutrality.

Lord Robert Cecil thought that the only real difficulty was as regards the third obligation, since the first was not objected to and the second required separate ratification by each State. He asked whether it would not be very difficult for a member of the League to refuse passage to the forces of the League, which could only be asked for in the case of grave necessity.

The Swiss representative thought that the first obligation was not incompatible with neutrality. He drew attention to the very special position in which Switzerland found herself on this question, alike from the historic, geographic and ethnologic point of view.

In the course of discussion the Dutch representative drew attention to the implication of the word "binding" in the last sentence of Article III. It was agreed that some ambiguity might arise from this expression, and that the Commission should consider whether a better form of words could not be found.

The Swedish Delegation thought that the provisions of paragraph 1 of Article xvi were too severe, and suggested an increasing scale of economic pressure.

The Spanish representative said that there would be constitutional difficulties for his country in applying the third obligation of the Article.

Lord Robert Cecil agreed, and said that the expression in paragraph 1 "to have committed an act of war against" had been substituted for the words "be at war with." In order to meet similar difficulties he asked that if any provision of the Covenant presented special constitutional difficulties to any of the States there present, they might let the Commission know immediately.

#### ARTICLE XVII.

The Chilean representative handed in an amendment.

Lord Robert Cecil said he must remind the meeting that membership in the League involves obligations as well as advantages, and that a State which declined to join in order to avoid those obligations could not expect too favourable treatment from those States who had undertaken them.

#### ARTICLE XVIII.

The Spanish representative proposed an amendment.

## ARTICLE XVIII BIS.

A new Article was proposed by the Swiss representative.

Lord Robert Cecil agreed that there might be an advantage in an explicit statement with regard to limitations of national sovereignty.

## ARTICLE XIX.

No comment.

## ARTICLE XX.

The Swiss Delegation expressed the desire of their Government to collaborate in carrying out the policy of this Article.

## ARTICLES XVIII, XX AND XXI.

With regard to Articles XVIII, XX and XXI, Lord Robert Cecil explained that they were drafted with a view to the Conventions which it was hoped would result from the work now being carried on by the Commission appointed by the Peace Conference to consider the questions involved, viz.: arms traffic, trade conditions, international rivers, etc., and labour. To these Conventions it was hoped that all neutrals will adhere as soon as possible. The Commission had been anxious to give the League a sphere of continuous international activity in addition to its primary duty, which was that of keeping the world's peace.

## ARTICLES XXII, XXIII AND XXIV.

No observations were made.

## ARTICLE XXV.

The Dutch representative asked whether all alliances were forbidden by this Article.

Lord Robert Cecil said that he thought a distinction must be drawn between offensive and defensive alliances. It was clear that all offensive alliances are inconsistent with the Covenant, but he could imagine some defensive alliances which would not necessarily be so. The Executive Council or Body of Delegates would have to decide whether a *soi-disant* defensive alliance was really so, or whether it concealed intentions opposed to the spirit of the Covenant.

## ARTICLE XXVI.

Jonkheer Loudon (Holland) said that his personal opinion was that this Article really made amendment of the Covenant too difficult, and suggested that, say, a three-fourths majority of the Executive Council should be enough.

Lord Robert Cecil thought there was much force in this view, but that it would sweep away all safeguards provided in the Covenant and alarm the large body of public opinion which thought that the Covenant already went too far. He was afraid of changes which might make the scheme more perfect on paper and less so in practice.

The Dutch and Swiss Delegations proposed additional articles to allow withdrawal at one year's notice. They pointed out that Article xxvi as it stands constitutes a certain limitation of sovereignty for States not represented on the Executive Council.

(This completed the article by article examination of the Draft Covenant.)

The representative of Paraguay said he hoped to be able to submit later the views of his Government.

The representative of Colombia said that his Government assented in principle to the Covenant, which ought to be based on the juridical equality of States.

Lord Robert Cecil said the Commission had to thank the Neutral States, not only for the help now given, but for the valuable labours they had expended in the past. The Commission had been much assisted by the various projects which had been produced. He thought he might say that the Peace Conference desired all States there represented to join the League immediately on its formation. The Conference also thought that this League, which was an essential improvement in the conduct of international affairs, should come into existence and begin to function within the shortest possible time.

The League of Nations Commission would begin the next day to consider the suggestions made, and he would see that the representatives of the neutral countries should be told what was done about them.

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#### AMENDMENTS TO THE DRAFT OF THE COVENANT PROPOSED BY THE NEUTRAL POWERS

Meetings of March 20 and 21, 1919, at the Hotel de Crillon.

##### PREAMBLE.

(No comment.)

##### ARTICLE I.

(No comment.)

##### ARTICLE II.

##### SPAIN:

In Articles II and III, after the words "for the purpose of dealing with matters within the sphere of action of the League," and

after the words "any matter within the sphere of action of the League or affecting the peace of the world," add: "and within the purport of the Articles of this Covenant." In Article II, in place of the phrase "stated intervals" substitute: "intervals determined in advance."

#### NORWAY:

"Meetings of the Body of Delegates shall be held each year at a time determined in advance.

"It must be indisputably established that the Body of Delegates shall determine by special conventions the rule of conduct between states, as well as the rules of future International Law, subject to ratification by the States.

"The maximum number of Delegates from any single State shall be five.

"The deliberations of the Body of Delegates shall be public, unless special considerations prevent."

#### HOLLAND:

New third paragraph:

"The Body of Delegates shall promulgate laws concerning the execution of the present constitution in so far as these laws touch upon the reduction of armaments (Article VIII); the organisation and the procedure of the Permanent Court of International Justice, provided for by Article XIII; the organisation and procedure of the Permanent Court of Conciliation outlined in Article xv; preparation for such economic and military action as is provided for in Article XVI, as well as such other matters as may be of common interest to the contracting States."

#### SWITZERLAND:

(New Paragraph No. 3.)

"The Body of Delegates shall be competent:

"a) To make the decisions referred to in Articles III, IV, VII, xv, and xxiv;

"b) To establish regulations within the limits laid down in this Covenant, aimed to assure the execution of the Covenant. These regulations shall become compulsory for all the States members of the League, as soon as they shall have been ratified by three fourths of the States represented in the Executive Council and three fourths of all the States members;

"c) To prepare conventions aimed to develop the law of nations and international organization. Such conventions shall be obligatory only for such States as shall have ratified them."

## ARTICLE III.

## CHILI:

"Each of the five Great Powers shall have the right to appoint a representative to the Executive Council; it would, therefore, be just to leave to the secondary Powers the right to designate without interference the four States that shall represent them."

## DENMARK:

## Paragraph 1 (New draft):

"The Executive Council shall be composed of two representatives each from the United States of America, the British Empire, France, Italy, and Japan, and of eight representatives from the other States members of the League, elected by the representatives of these latter States at the meeting of the Body of Delegates in accordance with such principles and conditions as it shall deem fit."

## SPAIN:

(Give a special situation to Spain. Establish recourse similar to that provided for in Articles 57 and 58 of the Swiss project.)<sup>1</sup>

## SWEDEN:

The Royal Government desires, if possible, that the number of representatives on the Executive Council accorded to the secondary Powers shall be increased. The Delegation is ready to recommend the acceptance of the Danish proposal, the object of which would seem to be satisfactory, even though the details have not yet been discussed by the Swedish Government.

According to the belief of the Swedish delegation, the Covenant itself should contain provisions regarding the way in which the representatives of the secondary Powers shall be nominated. The Delegation desires to recommend this suggestion to the careful consideration of the Conference, in order that the most equitable representation possible may be accorded to the secondary Powers and classify them in different groups. These groupings might be based upon the geographical relations between States, their community of language, culture, etc. If possible, these different groups should be successively represented on the Executive Council.

Moreover, the delegation recommends that provision should be made so that the Executive Council may begin its work at the earliest possible moment. The Swedish delegation makes this suggestion because of the important matters which compose the task of this Council.

<sup>1</sup> For this, see Permanent Court of International Justice, Advisory Committee of Jurists, *Documents Presented to the Committee*, London, 1920, page 150 sqq.

## NORWAY:

"The Executive Council shall, in principle, be permanent, but shall be authorized to adjourn its meetings, to reassemble when necessity arises, or at the request of one of the States represented on the Council.

"No State shall have more than one representative on the Executive Council. The members appointed by the Body of Delegates shall serve for three years.

"An increase in the number of States represented in the Executive Council, to the number of at least fifteen."

## ARTICLE IV.

(No comment.)

## ARTICLE V.

## DENMARK:

## Paragraph 2:

"The Secretariat shall comprise the requisite secretaries and staff under the general direction and control of a Secretary-General of the League, who shall be chosen by *the Body of Delegates on the motion of the Executive Council.*"

## SPAIN:

"So far as possible, the Secretaries and the personnel shall belong to different nationalities."

"Specify what organ of the League shall determine the budget, and approve the accounts."

## ARTICLE VI.

(No comment.)

## ARTICLE VII.

## NORWAY:

"Admission to the League should be made as easy as possible. Every autonomous State, including possessions and colonies, should be capable of becoming members, provided always that such State have the intention and the ability to meet the international obligations that fall on members of the League. If election by the Body of Delegates remains a condition for admission as a Member of the League, a simple majority of votes shall be deemed sufficient."

## SWITZERLAND:

Add a new paragraph, as follows:

"States not signatories to the Covenant and not named in the Protocol hereto as states to be invited to adhere to the Covenant, shall

always be admitted to adhere to the Covenant if they comply with the following conditions:

- "a) To give effective guarantees of their sincere intention to observe their international obligations;
- "b) to conform to such principles as may be prescribed by the League in regard to its naval and military forces and armaments;
- "c) to be fully self-governing countries. This condition shall not be interpreted to exclude Dominions and Colonies."

The Body of Delegates, within the year following the signification of a request for admission, shall decide on a two-thirds majority.

#### ARTICLE VIII.

##### DENMARK:

###### Paragraph 1:

After the words "without the permission of the Executive Council," add:

"The plan of reduction shall be submitted for decision of the Body of Delegates."

###### Paragraph 2:

"The High Contracting Parties agree that the manufacture by private enterprise of munitions and articles of war lends itself to grave objections, and direct the Executive Council to advise *how such manufacture can be prohibited*."

##### SPAIN:

For the words in the French text "Soumettre à l'examen de chacun des Gouvernements," substitute a phrase corresponding more exactly to the English phrase: "Shall also determine for the consideration and action of the several Governments."

Add at the end of the first paragraph, the following:

"The increase shall be carried out if it receives a one-third vote in the Executive Council. If it does not obtain this vote, the interested party may lay the question before the Body of Delegates at its first session, and the increase may be carried out if it receives a one-third vote."

In the second paragraph, for the words "aviser à la manière," substitute other words corresponding more exactly to the English expression "advise how," which expresses rather more the idea of examination and advice.

##### NORWAY:

In support of the French amendment, a stricter control of armaments and of their reduction is recommended. It is especially neces-

sary to take the manufacture of arms out of the hands of private speculation.

HOLLAND :

The body of Delegates shall pass a law on the question of the limitation of armaments.

#### ARTICLE IX.

DENMARK :

After the words "military and naval," add :

"This Commission shall control the armaments of the several States, and shall supervise the execution of the plan adopted."

SPAIN :

In Article IX, or in Article VIII, if the Bourgeois amendment is adopted, stipulate that all the Powers represented diplomatically at the Seat of the League, shall have the right to be represented in the Commission by military and naval experts.

SWEDEN :

The Royal Government, which attaches great significance to the principle of the reduction of armaments, recommends particularly that an effective control of armaments should be established. Such as is outlined in the proposal of the Danish Delegation. The Swedish Delegation is of opinion that, without such a control, the purpose of Article VIII will either fail to be realized, or be seriously endangered.

#### ARTICLE X.

CHILI :

This Article establishes the essential object of the League of Nations: to respect and to preserve against all exterior aggression the territorial integrity and political independence of all the States members of the League.

But a third element exists which is equally important and which should be expressly included in Article x: the text of Treaties.

Treaties constitute, indeed, one of the fundamental sources of the law of nations, and the only one which has a positive and simple character.

SPAIN :

The same observation applies to Article x as to Article VIII so far as concerns the expressions "aviser aux moyens propres" and "shall advise upon the means."

## ARTICLE XI.

## SPAIN :

Make it clear that the expression "any action" is the equivalent of "bons offices, à la médiation et aux moyens pacifiques en général," by good offices, mediation, and pacific means in general.

## ARTICLE XII.

## SPAIN :

To the first paragraph add: "Unanimous," after the word "recommendation."

The Spanish Delegation would agree to accept the prolongation of the time-limit from three months to six months (second paragraph).

## NORWAY :

International conflicts in the first instance ought to be brought before special permanent tribunals of conciliation, before being submitted to the Executive Council in accordance with Article xv.

In principle it is desirable to suppress every restriction, based on the nature or the origin of conflicts, limiting the obligation to submit to arbitration.

## SWITZERLAND :

"The High Contracting Parties agree that whenever disputes shall arise between them, which can be settled neither by the ordinary means of diplomacy *nor by a commission of conciliation and inquiry chosen by the parties*, they will in no case resort to war without having previously submitted the questions and matters involved either to arbitration or to inquiry by the Executive Council."

## SWEDEN :

The Swedish delegation, in line with the Danish proposal, desires to propose the establishment of special committees of conciliation and of inquiry. The Committee named by the Royal Government, in connection with the elaboration of a plan for a juridic international organisation, considers the creation of these bodies to be a matter of the greatest importance.

## ARTICLE XIII.

## NETHERLANDS :

"Justiciable disputes, in particular those relating to questions of interpretation or application of international conventions and which cannot be settled by diplomacy shall be submitted to arbitration in accordance with existing conventions between the High Contracting

Parties. In the absence of such conventions, the matter shall be brought before the Permanent Court of International Justice (Article XIV). The organization of and procedure before the latter Court shall be established by the Body of Delegates."

#### SWITZERLAND:

"The High Contracting Parties agree that whenever any disputes or difficulty shall arise between them which they recognize to be suitable for submission to arbitration and which can be settled neither by the ordinary means of diplomacy nor by a commission of conciliation and inquiry chosen by the parties, they will, at the request of one of the parties, submit the whole subject matter to arbitration. For this purpose the Court . . . ." (see Paris draft).

"If one of the Parties claims that the dispute is not suitable for submission to arbitration or that it cannot be settled by a sentence rendered according to principles of law, or that it affects its independence or its vital interests, the preliminary question must be definitively settled by a tribunal composed in the following manner: Each party appoints one member of the Executive Council and one member of the Permanent Court of International Justice. Two further members are chosen by this Court itself from among the individuals of which it is composed. Finally, one member is chosen by the Executive Council from among its own members. The tribunal chosen in this way shall itself appoint its president from among the members belonging to the Permanent Court of International Justice."

"In case the tribunal recognizes the above-mentioned claim to be founded, the party which is debarred from resorting to judicial proceedings may bring the subject matter before the Executive Council, who will proceed under the terms of articles XII and XV."

The H.C.P. agree . . . . (see Paris draft).

#### ARTICLE XIV.

(Examination postponed.)

#### ARTICLE XV.

#### NETHERLANDS:

"All other disputes than those mentioned in Article XIII and which have not been settled by diplomacy shall be submitted to Commissions of Conciliation in accordance with existing conventions to that effect. In the absence of such conventions, the matter shall be brought before a Permanent Board of Conciliation to be established by the Body of Delegates."

## SWITZERLAND:

For "unanimously," substitute: "with the assent of three fourths of the members of the Executive Council, representing at the same time three fourths of the populations of the League."

## ARTICLE XIV.

## DENMARK:

New draft of Article xiv:

"The Executive Council shall formulate plans for the creation of a Permanent Court of International Justice and a Permanent Commission of Conciliation. These plans shall be submitted to the approval of the Body of Delegates.

"The organization of the Court shall be based upon the principle of the juridic equality of States. The Court, when established, shall be competent to hear and judge all questions susceptible of arbitration by it according to terms of the present Covenant."

## NORWAY:

An attempt should be made to establish at once detailed rules concerning the functions of the Permanent Court of International Justice (see the Scandinavian Project,<sup>1</sup> Articles x to xxxix).

## SWEDEN:

The Royal Government considers it to be of great importance that provisions concerning the creation of a Permanent Court of Justice shall be drawn up now and inserted in the Covenant.

According to the Project of the Swedish Committee, this Court should be composed of fifteen members elected in some way which will safeguard the principle of the juridic equality of the different States (Articles x to xxxix), a principle which should not meet with any opposition when the question is one of creating an organism whose nature is entirely juridic. If it is thought impossible to adopt the system suggested by the Swedish Commission, it would be appropriate, in the opinion of the Swedish Delegation, to study the Swiss system, which is based upon the same principle, although it exhibits some difference in detail.

Perhaps it may not be found expedient or possible to insert in the Covenant itself any provision concerning the election of the Court. In that case, it is necessary at least to establish in the Covenant itself (as appears in the Project of the Danish Delegation) the fact that the organization of the Court should be based upon the principle of the juridic equality of States.

<sup>1</sup> For this, see Permanent Court of International Justice, Advisory Committee of Jurists, *Documents Presented to the Committee*, London, 1920, page 252 sqq.

In view of the great importance of this body, it would seem that if the plan for its creation can not be outlined in the Covenant, the task of outlining it should be entrusted to the Body of Delegates and not to the Executive Council.

SWITZERLAND:

For Article XIV substitute the following:

"A Permanent Court of International Justice shall be established, which is always to be accessible to the contracting Parties. This Court shall be competent either in virtue of an agreement between the parties or on the request of either of the parties in conflict in case they cannot come to a timely understanding on the basis of the compromise provided in article 52 of the Hague Convention of October 18, 1899.

The Permanent Court of International Justice is appointed by the Body of Delegates for a period of nine years. Each State shall propose at least one and at the most four duly qualified persons ready to accept the judicial functions, one of them at least shall not be a subject of this State. Each State shall further name fifteen persons from the roll composed in this manner. The fifteen persons having obtained the greater number of votes shall be appointed judges.

The Permanent Court of International Justice shall be composed of five members when in its ordinary sessions on international disputes.

As soon as an action is brought in, each of the parties shall, within a period of four weeks, reject five judges. If within this period a party has not made this rejection, the judges to be rejected shall be determined by lot. The same course is adopted whenever the rejections of both parties have not amounted to the number of ten.

Judges that are subjects, or in the service, of one of the parties in conflict, or that are resident on the territory of those States, are *ex officio* excluded. In the event of the Court becoming competent because the parties have not been able to reach a timely agreement on the choice of arbitrators, each party shall be free to name any member of the Court who may not be rejected by the opposing party.

The five judges that have not been rejected choose a president from among their own number."

ARTICLE XV.

(See above.)

ARTICLE XVI.

DENMARK:

After paragraph 1 add:

"The States whose cooperation is desired in connection with military or economic measures shall be invited to participate in any

discussion which deals with this cooperation and they shall have a vote in whatever decision may be made on the subject.

In designating the States who shall participate in military or economic measures, consideration shall be given to peculiar difficulties which such participation in these measures will cause to States whose situation *in casu*, because of their military or geographic condition, might be more dangerous than that of certain other States.

The expenses incurred because of the execution of measures determined by the League of Nations shall be distributed proportionally among all its members.

States which, because of their history and because of their political tradition of peace, offer firm guarantees of impartial conduct shall have the privilege of declaring themselves permanently neutral. It will follow that their territory shall not be violated and shall remain unaffected by military operations as well in the case of wars in which States not members of the League of Nations participate, as in the case where steps of a military nature shall be taken by the League itself to insure the observance of law or the maintenance of peace.

In case the determination to use coercive measures shall not have been taken by unanimous decision of the Body of Delegates, the States which have voted against the adoption of these measures shall not be obliged to associate themselves in their fulfilment. In case the use of coercive measures shall be decided, it shall be . . . .” (See the Covenant of Paris.)

#### NORWAY:

“A separate international act should determine the moment when a member of the League shall have broken its engagements and should state the coercive measures which shall be used against that State.

It is understood that military measures shall not be employed before it has been demonstrated or before it is clear that other measures will not bring about the desired result.

Small Powers shall not be bound to participate in measures of a military nature as against States which are not members of the League. In general, the Norwegian Government is of opinion that the small Powers should be permitted to organize their armies primarily for the purpose of their national defence.”

#### HOLLAND:

“The Body of Delegates shall promulgate a law concerning the preparation of collective action whether economic or military in nature.”

Paragraph 2 would be replaced by the following:

“The Permanent Board of Conciliation shall at the request of one

of the High Contracting Parties state whether, by what party, and at what moment the Covenant under Article XII has been broken or disregarded."

SWEDEN :

"The Swedish Delegation, in accordance with the instructions of its Government, supports the project of the Danish and Norwegian Delegations, that the States whose cooperation in military and economic measures is desired shall be invited to participate in discussions and decisions relative thereto.

The Swedish Delegation thinks it both just and necessary that economic and military sanction be employed in order to guarantee the performance of the principles of the League of Nations; but the Delegation wonders whether it is expedient to employ this most stringent economic weapon immediately against a State which has violated the Covenant,—in other words, the absolute prohibition of all financial and commercial relations. It must not be forgotten that these measures are of a kind calculated to injure most seriously even the country which votes for their employment. It would be desirable to establish definite economic measures which might be employed successively and according to a scale of increasing rigor.

With regard to the military obligations of the members of the League, the Swedish Delegation asks the Conference to consider carefully whether there could not be some way of fixing the maximum military contribution which a State would have to make as a participant in the joint action of the League.

The Swedish Delegation understands the difficulty of making such an important decision when time is short; but perhaps the same substantial result would be reached provided the question were taken into consideration by the Bodies of the League of Nations as promptly as possible after its constitution.

According to Article XII, Paragraph 1, the High Contracting Parties agree to sever all financial relations between the nationals of the State which has broken the Covenant and the nationals of every other State member or non-member of the League.

The Swedish Delegation asks whether it is consistent with the principles of law that States outside of the League of Nations shall likewise be deprived of their connections with that State which has broken the Covenant."

ARTICLE XVII.

CHILI :

The invitation to States not members of the League provided for in this Article with the intention of having them accept the same obligations as are incumbent upon the members of the League in

case of dispute with another State, creates no difficulty if the invitation is accepted.

In case it should be refused, however, the application of the Covenant to States not members of the League as something authoritative would infringe upon their sovereignty and independence,—both which things go to make up the present basis of International Law.

The League of Nations will certainly include almost all the Powers, and will have such strength and such prestige that it will not need to employ violent measures against states not members of the League in order to attain its object.

I, therefore, propose that the last part of Article xvii should be struck out, beginning with the words, "In the event of a Power so invited refusing. . . ."

#### ARTICLE XVIII.

##### SPAIN:

In the French text the word "contrôle" gives the undertaking a special signification, etc.

Amendment: Add a paragraph somewhat as follows:

"At the request of the interested power, the other contracting Parties shall bind themselves to decree the prohibition of all trade in arms and in war material, including goods in transit, with the Colonies and Protectorates."

##### SWITZERLAND:

Additional Article (18 bis):

"This covenant is not to be interpreted as containing anything contrary to the sovereignty of the States members not expressly mentioned in its clauses. The League shall not interfere with the internal affairs of its constituent members."

#### ARTICLES XIX TO XXV.

(No comment.)

#### ARTICLE XXVI.

##### CHILI:

"The League of Nations having contracted for perpetuity, the present governments must bind the will of their peoples and of their future parliaments indefinitely, thus risking a part of the very stability of the League."

"The draft thus establishes for the League a constitution which is too rigid and to which it would be advisable to give a little flexibility, creating periods, cases and conditions under which a state would be allowed to withdraw."

## SWITZERLAND:

Adjunction of a Paragraph 2. (First version).

"Amendment to the Covenant may neither extend to its essential elements nor create, modify or abolish special rights or obligations with regard to certain States or groups of States. The provisions concerning these matters may only be modified by the free consent of the interested States."

(Second version).

"In case of amendments to this Covenant extending to its essential (elements) or creating, modifying or abolishing special rights and obligations with regard to certain States or groups of States, the States which have voted against such amendments may withdraw from the League."

Adjunction of a paragraph 3.

"Disputes concerning the application of the preceding clause are decided by a plenary sitting of the Permanent Court of International Justice."

## HOLLAND:

Add the following paragraph:

"Withdrawal from the League will be possible at one year's notice to be given to the Secretary General."

## NORWAY:

An unanimous vote of the Executive Council should not be required as a condition precedent to changes in the Covenant. Just as in the Body of Delegates, a three-fourths majority in this Council should be sufficient.

**British Amendments in French, March 26, 1919**

AMENDEMENTS PROPOSÉS PAR LA DÉLÉGATION  
BRITANNIQUE, LE 26 MARS, 1919.

ARTICLE XVII.

Rayer les mots "ci-dessus" et inclure après le mot "stipulations" les mots "des Articles XII à XVI inclusivement."

*Amendement du projet.*

A la huitième ligne, rayer le mot "société" et substituer l'expression "conseil exécutif."

NOUVEL ARTICLE XVIII.

L'article actuel (XIX) devient l'article XVIII. Au paragraphe 2 (ligne 4) insérer les mots "et qui sont prêts à l'accepter," après le mot "responsabilité."

L'alinéa 8 sera rédigé comme suit:

"La nature de chaque mandat à donner à un état mandataire peut être décidée par le Conseil exécutif, s'il n'a pas été décidé préalablement."

*Amendement du projet.*

NOUVEL ARTICLE XIX.

Fondre les Articles XVIII, XX et XXI actuels en un nouvel article du contenu suivant:

"D'accord avec les stipulations des conventions internationales à passer pour les buts ci-dessous visés, les états membres

(a) s'efforceront d'établir et de maintenir des conditions de travail équitables et humanitaires pour l'homme, la femme et l'enfant dans leurs propres territoires ainsi que dans tous les territoires auxquels s'étendent leurs relations commerciales et industrielles.

(b) s'obligent d'assurer le traitement juste et équitable des populations indigènes des territoires soumis à leur administration.

(c) chargent la Société des Nations du contrôle général de l'exécution de tous accords collectifs établis au sujet de la traite des blanches et du trafic d'opium et autres drogues nuisibles.

(d) consentent à ce que la Société se charge du contrôle général du trafic des armes et munitions avec les pays où ce contrôle est nécessaire dans les intérêts mutuels.

(e) sont d'accord pour déclarer que des dispositions seront prises pour garantir et maintenir la liberté du transit et l'équitable traitement de commerce de tous les états membres de la

Société. Ils entendent notamment que des arrangements spéciaux peuvent être pris pour répondre aux besoins des régions dévastées pendant la guerre de 1914-1918.

## ARTICLE XX.

(Ancien Article xxii.) Après le mot "bureau" (ligne 4) ajouter "toutes commissions pour le règlement d'affaires d'importance internationale."

Ajouter l'alinéa suivant :

"En ce qui regarde toutes questions d'importance internationale réglées par des conventions générales, mais non soumises au contrôle de commissions ou de bureaux inter-alliés spéciaux, si les parties contractantes y consentent, le secrétariat de la Société fera fonction d'organe central rassemblant et distribuant toutes informations nécessaires et assurant l'accomplissement ponctuel de ces conventions."

Ajouter un nouvel alinéa 3, à savoir :

"Le Conseil exécutif y consentant, les frais de ces commissions et bureaux (y compris ceux visés par la présente convention) peuvent être considérés comme formant partie des frais du secrétariat permanent de la Société."

## ARTICLE XXIV.

2ème ligne, rayer "trois quarts," substituer "majorité."

## ARTICLE ADDITIONNEL.

"Les femmes, tout aussi bien que les hommes, peuvent être membres de tous organes constitués par ou fonctionnant sous l'autorité de la Société, y compris le secrétariat."

**Draft of March 26, 1919**

## COVENANT

### PREAMBLE

In order to promote international co-operation and to achieve international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the High Contracting Parties agree to the following Covenant as the constitution of the League of Nations.

### ARTICLE I.

The action of the League under the terms of this Covenant shall be effected through the instrumentality of a Body of Delegates representing the States Members of the League, of an Executive Council, and of a permanent international Secretariat to be established at the Seat of the League.

### ARTICLE II.

Meetings of the Body of Delegates shall be held at stated intervals and from time to time as occasion may require for the purpose of dealing with matters within the sphere of action of the League. Meetings of the Body of Delegates shall be held at the Seat of the League or at such other place as may be found convenient and shall consist of representatives of the States Members of the League. Each of the States Members of the League shall have one vote, but may have not more than three representatives.

### ARTICLE III.

The Executive Council shall consist of representatives of the United States of America, the British Empire, France, Italy and Japan, together with representatives of four other States, members of the League. The selection of these four States shall be made by the Body of Delegates on such principles and in such manner as they think fit. Pending the appointment of these representatives of the other States, representatives of . . . . . shall be members of the Executive Council.

The Executive Council may, subject to the approval of the majority of the Body of Delegates, co-opt on to the Council representatives of States other than those specified above, provided that in any such increase due regard shall be had to just proportional representation of States not permanently represented on the Council.

Meetings of the Council shall be held from time to time as occasion may require and at least once a year at whatever place may be decided on, or, failing any such decision, at the Seat of the League, and any matter within the sphere of action of the League or affecting the peace of the world may be dealt with at such meetings.

Invitation shall be sent to any Power to attend and sit as a Member at any meeting of the Council at which matters directly affecting its interests are to be discussed.

#### ARTICLE IV.

All matters of procedure at meetings of the Body of Delegates or the Executive Council including the appointment of Committees to investigate particular matters shall be regulated by the Body of Delegates or the Executive Council and may be decided by a majority of the States represented at the meeting.

Except where otherwise expressly provided in the present Covenant, decisions at any meeting of the Body of Delegates or of the Executive Council require the agreement of all the States represented at the meeting.

The first meeting of the Body of Delegates and of the Executive Council shall be summoned by the President of the United States of America.

#### ARTICLE V.

The permanent Secretariat of the League shall be established at....., which shall constitute the seat of the League. The Secretariat shall comprise such secretaries and staff as may be required, under the general direction and control of a Secretary-General of the League; the first Secretary-General shall be the person named in the Protocol hereto, and his successor shall be chosen by the Body of Delegates on the nomination of the Executive Council; the Secretariat shall be appointed by the Secretary-General subject to confirmation by the Executive Council.

The Secretary-General shall act in that capacity at all meetings of the Body of Delegates or of the Executive Council.

The expenses of the Secretariat shall be borne by the States members of the League in accordance with the apportionment of

the expenses of the International Bureau of the Universal Postal Union.

#### ARTICLE VI.

Representatives of the States Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities, and the buildings occupied by the League or its officials or by representatives attending its meetings shall enjoy the benefits of extraterritoriality.

#### ARTICLE VII.

The original Members of the League shall be those of the Signatories named in the Schedule annexed to the Covenant and also those other Powers named in the Schedule who are hereby invited subsequently to accede to the Covenant.

Any fully self-governing State, including Dominions and Colonies, may become a member of the League if its admission is agreed to by a two-thirds majority of the Body of Delegates, provided that it is able to give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its naval and military forces and armaments.

#### ARTICLE VIII.

The States Members of the League recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations, having special regard to the geographical situation and circumstances of each State; and the Executive Council shall formulate, subject to reconsideration and revision at least every ten years, plans for such reduction for the consideration and action of the several governments. These limits, when adopted by the several governments, shall not be exceeded without the concurrence of the Executive Council.

The States Members of the League agree that the manufacture by private enterprise of munitions and implements of war lends itself to grave objections, and direct the Executive Council to advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those countries which are not able to manufacture for themselves the munitions and implements of war necessary for their safety.

The States Members of the League undertake that there shall

be full and frank interchange of information as to the scale of their armaments, their military and naval programmes and the condition of such of their industries as are capable of being adapted to war-like purposes.

#### ARTICLE IX.

A permanent Commission shall be constituted to advise the Executive Council on the execution of the provisions of Articles VII and VIII and on military and naval questions generally.

#### ARTICLE X.

The States Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Executive Council shall advise upon the means by which this obligation shall be fulfilled.

#### ARTICLE XI.

Any war or threat of war, whether immediately affecting any of the States Members of the League or not, is hereby declared a matter of concern to the League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the States Members of the League to draw the attention of the Body of Delegates or of the Executive Council to any circumstances affecting international intercourse which threaten to disturb international peace or the good understanding between nations upon which peace depends.

#### ARTICLE XII.

The States Members of the League agree that should disputes arise between them which cannot be adjusted by the ordinary process of diplomacy, they will in no case resort to war without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council and until three months after the award by the arbitrators or a recommendation by the Executive Council; and that they will not even then resort to war as against a member of the League which complies with the award of the arbitrators or the recommendation of the Executive Council.

In any case under this Article, the award of the arbitrators

shall be made within a reasonable time, and the recommendation of the Executive Council shall be made within six months after the submission of the dispute.

ARTICLE XII. A.

From the time a dispute is submitted to arbitration or to inquiry by the Executive Council, and until the lapse of the aforesaid term of three months, the parties to the dispute shall refrain from making any military preparations.

ARTICLE XIII.

The States Members of the League agree that whenever any dispute or difficulty shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration. For this purpose the Court of arbitration to which the case is referred shall be the court agreed on by the parties or stipulated in any Convention existing between them. The States Members of the League agree that they will carry out in full good faith any award that may be rendered. In the event of any failure to carry out the award, the Executive Council shall propose what steps can best be taken to give effect thereto.

ARTICLE XIV.

The Executive Council shall formulate plans for the establishment of a Permanent Court of International Justice, and this Court shall, when established, be competent to hear and determine any dispute or difference of an international character, including any matter which the parties recognize as suitable for submission to it for arbitration under the foregoing Article.

ARTICLE XV.

If there should arise between States Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as above, the States Members of the League agree that they will refer the matter to the Executive Council. Either party to the dispute may give notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties agree to communicate to the Secretary-General, as promptly as possible, statements of their case, with all the relevant facts and papers, and the Executive Council may forthwith direct the publication thereof.

Where the efforts of the Council lead to the settlement of the dispute, a statement shall be published indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate. If the dispute has not been settled, a report by the Council shall be published, setting forth with all necessary facts and explanations the recommendations which the Council think just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the Council other than the parties to the dispute, the States Members of the League agree that they will not go to war with any party which complies with the recommendation. If no such unanimous report can be made, it shall be the duty of the majority and the right of the minority to issue statements indicating what they believe to be the facts and containing the recommendations which they consider to be just and proper.

The Executive Council may in any case under this Article refer the dispute to the Body of Delegates. The dispute shall be so referred at the request of either party to the dispute, provided that such request must be made within fourteen days after the submission of the dispute. In any case referred to the Body of Delegates all the provisions of this Article and of Article XII relating to the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates.

If the difference between the parties shall be found by the Executive Council or by the Body of Delegates to be a question which by international law is solely within the domestic jurisdiction of one of the parties, it shall so report, and shall make no recommendation as to its settlement.

#### ARTICLE XVI.

Should any of the States Members of the League break or disregard its covenants under Articles XII or XV, it shall thereby *ipso facto* be deemed to have committed an act of war against all the other members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State, and the nationals of any other State, whether a member of the League or not.

It shall be the duty of the Executive Council in such case to recommend to the several Governments concerned what effective military or naval force the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The States Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the States Members of the League who are co-operating to protect the covenants of the League.

#### ARTICLE XVII.

In the event of disputes between one State member of the League and another State which is not a member of the League, or between States not members of the League, the States Members of the League agree that the State or States not members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Executive Council may deem just, and upon acceptance of any such invitation, the provisions of Articles XII to XVI, inclusive, shall be applied, with such modifications as may be deemed necessary by the Executive Council.

Upon such invitation being given the Executive Council shall immediately institute an inquiry into the circumstances and merits of the dispute and recommend such action as may seem best and most effectual in the circumstances.

In the event of a Power so invited refusing to accept the obligations of membership in the League for the purposes of such dispute, and taking any action against a State member of the League which in the case of a State member of the League would constitute a breach of Article XII, the provisions of Article XVI shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Executive Council may take such action and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

#### ARTICLE XVIII.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of

civilization and that securities for the performance of this trust should be embodied in the constitution of the League.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as mandataries on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a mandatory power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory power.

Other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory subject to conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other members of the League.

There are territories, such as South-west Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the mandatory state, and other circumstances, can be best administered under the laws of the mandatory state as integral portions thereof, subject to the safeguards above-mentioned in the interests of the indigenous population.

In every case of mandate, the mandatory state shall render to the League an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory State shall if not previously agreed upon by the States Members of the League in each case be explicitly defined by the Executive Council in a special Act or Charter.

The States Members of the League further agree to establish

at the seat of the League a Mandatory Commission to receive and examine the annual reports of the Mandatory Powers, and to assist the League in ensuring the observance of the terms of all Mandates.

#### ARTICLE XIX.

In accordance with the provisions of international conventions now existing or hereafter to be agreed upon for the purposes hereinafter stated, the States Members of the League

- (a) will endeavor to secure and maintain fair and humane conditions of labor for men, women and children both in their own countries and in all countries to which their commercial and industrial relations extend.
- (b) engage to secure just treatment of the native inhabitants of the territories under their control.
- (c) entrust the League with the general supervision over the execution of such agreements as shall have been jointly come to with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs.
- (d) agree that the League shall be entrusted with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest.
- (e) agree that provision shall be made to secure and maintain freedom of communications and transit and equitable treatment for the commerce of all States members of the League, having in mind, among other things, special arrangements with regard to the necessities of the regions devastated during the war of 1914-1918.

#### ARTICLE XX.

The States Members of the League agree to place under the control of the League all international bureaux already established by general treaties if the parties to such treaties consent. Furthermore, they agree that all such international bureaux or all commissions for the regulation of matters of international interest to be constituted in future shall be placed under the control of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of special international bureaux or commissions, the Secretariat of the League shall act as a central organization for the collection and distribution of information.

The expenses of all such bureaux and commissions, including those provided for by this Covenant, may, with the consent of the Executive Council, be treated as part of the expenses of the Permanent Secretariat of the League.

## ARTICLE XXI.

The States Members of the League agree that every treaty or international engagement entered into hereafter by any State member of the League, shall be forthwith registered with the Secretary-General and as soon as possible published by him, and that no such treaty or international engagement shall be binding until so registered.

## ARTICLE XXII.

It shall be the right of the Body of Delegates from time to time to advise the reconsideration by States Members of the League, of treaties which have become inapplicable, and of international conditions, of which the continuance may endanger the peace of the world.

## ARTICLE XXIII.

The States Members of the League severally agree that the present Covenant is accepted as abrogating all obligations *inter se* which are inconsistent with the terms thereof, and solemnly engage that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any of the Powers signatory hereto or subsequently admitted to the League shall, before becoming a party to this Covenant, have undertaken any obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

## ARTICLE XXIV.

Amendments to this Covenant will take effect when ratified by the States whose representatives compose the Executive Council and by a majority of the States whose representatives compose the Body of Delegates.

Any State a member of the League may, after giving two years' notice of its intention, withdraw from the League, provided all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

## ARTICLE XXV.

All bodies formed under or in connection with the League, including the Secretariat, may comprise women as well as men.

**Text of Hurst and Miller for Drafting Committee,  
March 31, 1919**

THE COVENANT OF THE LEAGUE OF NATIONS

PREAMBLE.

In order to promote international co-operation and to achieve international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the High Contracting Parties agree to this Covenant as the constitution of the League of Nations.

ARTICLE I.

The original Members of the League shall be those of the Signatories named in the Schedule annexed to this Covenant and also those other States named in the Schedule which are hereby invited to accede to this Covenant.

ARTICLE II.

The action of the League under this Covenant shall be effected through the instrumentality of a Body of Delegates, of a Council, and of a permanent Secretariat.

ARTICLE III.

The Body of Delegates shall consist of Representatives of the Members of the League.

The Body of Delegates shall meet at stated intervals and from time to time as occasion may require, at the Seat of the League, or at such other place as may be decided upon.

The Body of Delegates may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Body of Delegates, voting shall be by States; each Member of the League shall have one vote, and may have not more than three Representatives.

ARTICLE IV.

The Council shall consist of Representatives of the United States of America, of the British Empire, of France, of Italy, and of Japan,

together with Representatives of four other Members of the League. These four States shall be selected from time to time by the Body of Delegates in its discretion. Until the appointment of the Representatives of the four States first selected by the Body of Delegates, Representatives of.....shall be members of the Council.

With the approval of the majority of the Body of Delegates, the Council may name additional States whose Representatives shall be members of the Council; the Council with like approval may increase the number of the States which the Body of Delegates may select to be represented upon the Council.

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Each Member of the League shall be invited to send its Representatives to sit as members at any meeting of the Council during the consideration of matters specially affecting the interests of that Member.

At meetings of the Council, voting shall be by States; each State represented on the Council shall have one vote, and may have not more than five Representatives.

#### ARTICLE V.

All matters of procedure at meetings of the Body of Delegates or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Body of Delegates or by the Council and may be decided by a majority of the States represented at the meeting.

Except where otherwise expressly provided in this Covenant, decisions at any meeting of the Body of Delegates or of the Council shall require the agreement of all the States represented at the meeting.

The first meeting of the Body of Delegates and the first meeting of the Council shall be summoned by the President of the United States of America.

#### ARTICLE VI.

The permanent Secretariat shall be established at the Seat of the League.

The Secretariat shall comprise a Secretary General and such secretaries and staff as may be required. The Secretary General shall be appointed by the Council. The Secretaries and the staff of the Secretariat shall be appointed by the Secretary General with the approval of the Council.

The Secretary General shall act in that capacity at all meetings of the Body of Delegates and of the Council.

The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

#### ARTICLE VII.

The Seat of the League shall be established at..... unless the Council shall decide otherwise.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall enjoy inviolability.

#### ARTICLE VIII.

The Members of the League recognize that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war lends itself to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those States which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military and naval programmes and the condition of such of their industries as are adaptable to war-like purposes.

#### ARTICLE IX.

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles VIII and XXVI and on military and naval questions generally.

## ARTICLE X.

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

## ARTICLE XI.

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Body of Delegates or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

## ARTICLE XII.

The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article, the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

## ARTICLE XIII.

The Members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration. For this purpose the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

## ARTICLE XIV.

The Council shall formulate plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it, and also to advise upon any legal questions referred to it by the Council or by the Body of Delegates.

## ARTICLE XV.

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as above, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties to the dispute will communicate to the Secretary General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavor to effect a settlement of the dispute, and when such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council by majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any State represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the dispute between the parties is claimed by one of them and is found by the Council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this Article refer the dispute to the Body of Delegates. The dispute shall be so referred at the request of either party to the dispute, provided that such

request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Body of Delegates all the provisions of this Article and of Article XII relating to the action and powers of the Council shall apply to the action and powers of the Body of Delegates, provided that a report made by the Body of Delegates when concurred in by the Representatives of those States represented on the Council and of a majority of the other States Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a unanimous report by the Council.

#### ARTICLE XVI.

Should any Member of the League resort to war in disregard of its covenants under Articles XII, XIII or XV, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military or naval force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

#### ARTICLE XVII.

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted the provisions of Articles XII to XVI inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article XVI shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such action and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

#### ARTICLE XVIII.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in the constitution of the League.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the

establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-west Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the Mandatary, and other circumstances, can be best administered under the laws of the Mandatary as integral portions of its territory, subject to the safeguards above-mentioned in the interests of the indigenous populations.

In every case of mandate, the Mandatary shall render to the League an annual report in reference to the territory committed to its charge.

The terms of the mandate to be given in each case shall, if not previously agreed upon, be fixed by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

#### ARTICLE XIX.

##### The Members of the League

- (a) will endeavor to secure and maintain fair and humane conditions of labor for men, women and children both in their own countries and in all countries to which their commercial and industrial relations extend;
- (b) undertake to secure just treatment of the native inhabitants of territories under their control;
- (c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;
- (d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;
- (e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind.

#### ARTICLE XX.

There shall be placed under the control of the League all international bureaux already established by general treaties if the parties

to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the control of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of special international bureaux or commissions, the Secretariat of the League shall collect and distribute all relevant information.

#### ARTICLE XXI.

Every treaty or international engagement entered into hereafter by any Member of the League, shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

#### ARTICLE XXII.

The Body of Delegates may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

#### ARTICLE XXIII.

The members of the League severally agree that this Covenant is accepted as abrogating all obligations *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

#### ARTICLE XXIV.

Amendments to this Covenant will take effect when ratified by the States whose Representatives compose the Council and by a majority of the States whose Representatives compose the Body of Delegates.

Any Member of the League may, after two years' notice of intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

#### ARTICLE XXV.

Men and women shall be eligible on a footing of equality for any position of honor or profit under the control of the League.

## ARTICLE XXVI.

States named in the Schedule which are not Signatories, may accept this Covenant by a Declaration of Accession thereto without reservation. Such declaration shall be deposited before..... with the Secretariat. Notice thereof shall be sent to all other Members of the League.

Any fully self-Governing State, Dominion or Colony not named in the Schedule, may become a Member of the League if its admission is agreed to by two-thirds of the Body of Delegates, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military and naval forces and armaments.

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(A permanent financial section shall be constituted to advise the League on all financial questions. It shall be composed of financial experts nominated by the States members of the League, but at any meetings of the Section a State member of the League may in addition to the expert referred to above be represented by a responsible minister.

It will be the function of the Financial Section to advise the League on financial questions which may be referred to it, to conduct such financial investigation as the League may direct, to assist when required in the framing of financial questions in disputes which are submitted to the Court of International Justice, to nominate international financial commissions the formation of which has been decided on by the League and to exercise over them such control as the League may direct, and to make all necessary arrangements in connection with international conferences on financial matters.)

**British Proposals to Drafting Committee,  
April 1, 1919**

PREAMBLE.

Last line delete "as the constitution."

ARTICLE I.

To read:

"The original members of the League shall be those of the signatories which are named in the schedule annexed to this Covenant, and also those other States named in the schedule which are hereby invited to accede to this Covenant.

"States named in the schedule which are not signatories may accept this Covenant by a declaration of accession thereto without reservation. Such declaration shall be deposited before ..... with the Secretariat. Notices thereof shall be sent to all other members of the League."

ARTICLE II.

and throughout the Covenant, substitute "Assembly" for "Body of Delegates."

Last line, delete "and of a" and substitute "with a."

ARTICLE IV.

"The Council shall consist of representatives of the United States of America, of the British Empire, of France, of Italy and of Japan, together with representatives of four other States which are members of the League. These other States....." etc., as printed to end of paragraph.

2nd paragraph to read:

"With the approval of the majority of the Assembly, the Council may name additional States whose representatives shall always be members of the Council. The Council, with like approval, may increase the number of States to be selected by the Assembly for representation on the Council."

3rd paragraph as printed.

4th paragraph as printed.

5th paragraph:

"Any member of the League not represented on the Council shall be invited to send a representative to sit as a member at

any meeting of the Council during the consideration of matters specially affecting the interests of that member."

6th paragraph as printed, with "one" substituted for "five."

ARTICLE VI.

"The permanent Secretariat shall be established at the Seat of the League.

"The Secretariat shall comprise the Secretary General and such secretaries and staff as may be required. The first Secretary General shall be the person named in the annex hereto. Subsequent appointments shall be made by the Assembly on the nomination of the Council. The secretaries and the staff shall be appointed by the Secretary General with the approval of the Council."

The rest of the Article as printed.

ARTICLE VII.

2nd line, delete "unless the Council shall decide otherwise" and substitute "provided that the Council may decide to change it."

Last line, delete "enjoy inviolability" and substitute "be inviolable."

ARTICLE VIII.

5th paragraph, 2nd line, delete "lends itself" and substitute "is open."

ARTICLE XI.

This Article to read:

"Any war or threat of war, whether affecting any members of the League or not, is hereby declared a matter of concern to the League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. *In case any such emergency should arise, the Secretary-General shall, on the request of any member of the League, forthwith summon a meeting of the Council.*"

The rest of the Article as printed.

ARTICLE XII.

As printed.

ARTICLE XIII.

"The members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for

arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration. *Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact, which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are prima facie suitable for submission to arbitration. For the consideration of any such dispute, the court of arbitration to which the case is referred shall be the court agreed upon.....*" etc., as printed.

## ARTICLE XIV.

"The Council shall formulate and shall submit for adoption by the members of the League plans for the establishment of a permanent court of international justice. The court shall be competent to hear and determine any disputes of an international character which the parties thereto submit to it, and also to advise upon any dispute or question referred to it by the Council or by the Body of Delegates."

## ARTICLE XV.

Paragraph 1 as printed.

Paragraph 2 as printed, except that in the second line "if" should be substituted for "when."

"If the dispute is not thus settled, the Council, either unanimously or by a majority vote, shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

"Any State represented on the Council may also make public a statement of the facts of the dispute and of its conclusions regarding the same.

"If the report by the Council is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report. (In the event of any party to the dispute failing to comply with these recommendations, the Council shall consider what steps, if any, shall be taken to give effect to them.)

"(If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.)

"If the dispute between the parties....." etc.

The rest of the Article as printed.

## ARTICLE XVI.

Paragraph 3, last line but three, to read:

"and that on the request of the Executive Council they will take the necessary steps to afford passage to the fullest possible extent through their territory to the forces of any of the members of the League....." etc.

## ARTICLE XIX.

To read:

"Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon the members of the League:

"(a) will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary permanent international organisations.

"(b) Undertake....." etc., as printed.

## ARTICLE XX.

Add to the second paragraph as printed:

"and shall render any other assistance which may be possible and desirable."

Add as third paragraph:

"The expenses of all such bureaux and commissions, including those provided for by this Covenant, may, with the consent of the Executive Council, be treated as part of the expenses of the Permanent Secretariat of the League."

## ARTICLE XXV.

"In all bodies formed under or in connection with the League, including the Secretariat, may comprise women as well as men."

**Text from Drafting Committee, April 5, 1919**

THE COVENANT OF THE LEAGUE OF NATIONS

In order to promote international co-operation and to achieve international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the High Contracting Parties agree to this Covenant of the League of Nations.

ARTICLE I.

The original Members of the League shall be those of the Signatories which are named in the Annex to this Covenant and also those other States named in the Annex, which are hereby invited to accede to this Covenant.

Acceptance of the Covenant by States named in the Annex which are not Signatories shall be effected by a Declaration of Accession thereto without reservation. Such Declaration shall be deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governing State, Dominion or Colony not named in the Annex, may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military and naval forces and armaments.

Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

ARTICLE II.

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

ARTICLE III.

The Assembly shall consist of Representatives of the Members of the League.

The Assembly shall meet at stated intervals and from time to time as occasion may require, at the Seat of the League, or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly, voting shall be by States, each Member of the League shall have one vote, and may have not more than three Representatives.

#### ARTICLE IV.

The Council shall consist of Representatives of the United States of America, of the British Empire, of France, of Italy, and of Japan, together with Representatives of four other States which are Members of the League. These four States shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four States first selected by the Assembly, Representatives of.....shall be members of the Council.

With the approval of the majority of the Assembly, the Council may name additional States whose Representatives shall always be members of the Council; the Council with like approval may increase the number of States to be selected by the Assembly for representation on the Council.

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council, voting shall be by States; each State represented on the Council shall have one vote, and may have not more than one Representative.

#### ARTICLE V.

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the States represented at the meeting.

Except where otherwise expressly provided in this Covenant, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the States represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

#### ARTICLE VI.

The permanent Secretariat shall be established at the Seat of the League.

The Secretariat shall comprise a Secretary General and such secretaries and staff as may be required. The first Secretary General shall be the person named in the Annex; thereafter the Secretary General shall be appointed by the Council with the approval of the majority of the Assembly. The secretaries and the staff of the Secretariat shall be appointed by the Secretary General with the approval of the Council.

The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council.

The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

#### ARTICLE VII.

The Seat of the League is established at.....  
The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

#### ARTICLE VIII.

The Members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those States which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military and naval programmes and the condition of such of their industries as are adaptable to war-like purposes.

#### ARTICLE IX.

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles I and VIII and on military and naval questions generally.

#### ARTICLE X.

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

#### ARTICLE XI.

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary General shall on the request of any Member of the League forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

#### ARTICLE XII.

The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will sub-

mit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

(ARTICLE XII A.)

(From the time a dispute is submitted to arbitration or to inquiry by the Council, and until the lapse of the aforesaid term of three months, the parties to the dispute shall refrain from making any military preparations.)

ARTICLE XIII.

The Members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration. Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration. For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

ARTICLE XIV.

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

ARTICLE XV.

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as

above, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties to the dispute will communicate to the Secretary General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavor to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any State represented on the Council may make public a statement of the facts of the dispute and of its conclusion regarding the same.

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report. (In the event of any party to the dispute failing to comply with these recommendations, the Council shall consider what steps, if any, should be taken to give effect to them.)

(If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.)

If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly all the provisions of this Article and of Article XII relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly if concurred in by the Representatives of those States represented on the Council and of

a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

#### ARTICLE XVI.

Should any Member of the League resort to war in disregard of its covenants under Articles XII, XIII or XV, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military or naval force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

#### ARTICLE XVII.

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles XII to XVI inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article XVI shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

#### ARTICLE XVIII.

Every treaty or international engagement entered into hereafter by any Member of the League, shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

#### ARTICLE XIX.

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

#### ARTICLE XX.

The Members of the League severally agree that this Covenant is accepted as abrogating all obligations *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

#### ARTICLE XXI.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet

able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandataries on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatary until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatary.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatary must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-west Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the Mandatary, and other circumstances, can be best administered under the laws of the Mandatary as integral portions of its territory, subject to the safeguards above-mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatary shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatary shall if not previously agreed upon by the Members of the League be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandataries and to advise the Council on all matters relating to the observance of the mandates.

ARTICLE XXII.

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League

- (a) will endeavor to secure and maintain fair and humane conditions of labor for men, women and children both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary organizations;
- (b) undertake to secure just treatment of the native inhabitants of territories under their control;
- (c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;
- (d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;
- (e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;
- (f) will endeavor to take steps in matters of international concern for the prevention and control of disease.

ARTICLE XXIII.

There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

## ARTICLE XXIV.

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorized voluntary national Red Cross organizations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

## ARTICLE XXV.

Amendments to this Covenant will take effect when ratified by the States whose Representatives compose the Council and by a majority of the States whose Representatives compose the Assembly.

**English Text of April 21, 1919**

*[Except as indicated in the footnotes, this text is identical with that reported by the Commission on the League of Nations on April 28. As to the changes so indicated, see Vol. I, pp. 477-488.]*

**COVENANT OF THE LEAGUE OF NATIONS**

In order to promote international co-operation and to achieve international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the High Contracting Parties agree to this Covenant of the League of Nations.

**ARTICLE I.**

The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military and naval forces and armaments.

Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

**ARTICLE II.**

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

## ARTICLE III.

The Assembly shall consist of Representatives of the Members of the League.

The Assembly shall meet at stated intervals and from time to time as occasion may require, at the Seat of the League, or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives.

## ARTICLE IV.

The Council shall consist of Representatives of the United States of America, of the British Empire, of France, of Italy, and of Japan, together with Representatives of four other States which are<sup>1</sup> Members of the League. These four States<sup>2</sup> shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four States<sup>2</sup> first selected by the Assembly, Representatives of.....shall be members of the Council.

With the approval of the majority of the Assembly, the Council may name additional States<sup>2</sup> whose Representatives shall always be members of the Council; the Council with like approval may increase the number of States<sup>2</sup> to be selected by the Assembly for representation on the Council.

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council each State<sup>3</sup> represented on the Council shall have one vote, and may have not more than one Representative.

<sup>1</sup> In the text reported by the Commission, omit "States which are."

<sup>2</sup> In the text reported by the Commission, for "States" read "Members of the League."

<sup>3</sup> In the text reported by the Commission, for "State" read "Member of the League."

## ARTICLE V.

Except where otherwise expressly provided in this Covenant, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the States<sup>1</sup> represented at the meeting.

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the States<sup>1</sup> represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

## ARTICLE VI.

The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary General and such secretaries and staff as may be required.

The first Secretary General shall be the person named in the Annex; thereafter the Secretary General shall be appointed by the Council with the approval of the majority of the Assembly.

The secretaries and the staff of the Secretariat shall be appointed by the Secretary General with the approval of the Council.

The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council.

The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

## ARTICLE VII.

The Seat of the League is established at Geneva.

The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

<sup>1</sup> In the text reported by the Commission, for "States" read "Members of the League."

## ARTICLE VIII.

The Members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those States<sup>1</sup> which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military and naval programmes and the conditions of such of their industries as are adaptable to war-like purposes.

## ARTICLE IX.

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles I and VIII and on military and naval questions generally.

## ARTICLE X.

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

## ARTICLE XI.

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any

<sup>1</sup>In the text reported by the Commission, for "States" read "Members of the League."

action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary General shall on the request of any Member of the League forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

#### ARTICLE XII.

The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

#### ARTICLE XIII.

The Members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

## ARTICLE XIV.

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

## ARTICLE XV.

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as above, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavor to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any State<sup>1</sup> represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them,

<sup>1</sup>In the text reported by the Commission, for "State" read "Member of the League."

and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly all the provisions of this Article and of Article XII relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly if concurred in by the Representatives of those States<sup>1</sup> represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

#### ARTICLE XVI.

Should any Member of the League resort to war in disregard of its covenants under Articles XII, XIII or XV, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military or naval force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

<sup>1</sup>In the text reported by the Commission, for "States" read "Members of the League."

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

#### ARTICLE XVII.

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles XII to XVI inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article XVI shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

#### ARTICLE XVIII.

Every treaty or international engagement entered into hereafter by any Member of the League, shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

#### ARTICLE XIX.

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

#### ARTICLE XX.

The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se*

which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

#### ARTICLE XXI.

Nothing in this Covenant shall be deemed to affect the validity of international engagements such as treaties of arbitration or regional understandings like the Monroe Doctrine for securing the maintenance of peace.

#### ARTICLE XXII.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the

establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-west Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the Mandatary, and other circumstances, can be best administered under the laws of the Mandatary as integral portions of its territory, subject to the safeguards above-mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatary shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatary shall if not previously agreed upon by the Members of the League be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

#### ARTICLE XXIII.

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League

- (a) will endeavor to secure and maintain fair and humane conditions of labor for men, women and children both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary<sup>1</sup> organizations;
- (b) undertake to secure just treatment of the native inhabitants of territories under their control;
- (c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;
- (d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;
- (e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection,

<sup>1</sup> In the text reported by the Commission, insert here the word "international."

- the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;
- (f) will endeavor to take steps in matters of international concern for the prevention and control of disease.

## ARTICLE XXIV.

There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

## ARTICLE XXV.

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorized voluntary national Red Cross organizations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

ARTICLE XXVI.<sup>1</sup>

Amendments to this Covenant will take effect when ratified by the States whose Representatives compose the Council and by a majority of the States whose Representatives compose the Assembly. No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

<sup>1</sup> In the text reported by the Commission, this Article read thus:

Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

THE DRAFTING OF THE COVENANT  
ANNEX TO THE COVENANT.

I. ORIGINAL MEMBERS OF THE LEAGUE OF NATIONS

SIGNATORIES OF THE TREATY OF PEACE.

|                              |                  |            |
|------------------------------|------------------|------------|
| United States of<br>America. | China.           | Japan.     |
| Belgium.                     | Cuba.            | Liberia.   |
| Bolivia.                     | Czecho-Slovakia. | Nicaragua. |
| Brazil.                      | Ecuador.         | Panama.    |
| British Empire.              | France.          | Peru.      |
| Canada.                      | Greece.          | Poland.    |
| Australia.                   | Guatemala.       | Portugal.  |
| South Africa.                | Haiti.           | Roumania.  |
| New Zealand.                 | Hedjaz.          | Serbia.    |
| India.                       | Honduras.        | Siam.      |
|                              | Italy.           | Uruguay.   |

STATES INVITED TO ACCEDE TO THE COVENANT.

|                     |           |              |
|---------------------|-----------|--------------|
| Argentine Republic. | Norway.   | Sweden.      |
| Chili.              | Paraguay. | Switzerland. |
| Colombia.           | Persia.   | Venezuela.   |
| Denmark.            | Salvador. |              |
| Netherlands.        | Spain.    |              |

2. FIRST SECRETARY GENERAL OF THE LEAGUE OF NATIONS.

**Report (English) of the Commission on the League of Nations, April 28, 1919**

PRELIMINARY  
PEACE CONFERENCE

PEACE CONFERENCE

THE COMMISSION ON THE LEAGUE OF NATIONS

I. TERMS OF REFERENCE.

The Preliminary Peace Conference at the plenary session of the 25th January 1919 (Protocol No. 2) <sup>1</sup> decided to nominate a Commission to work out in detail the Constitution and functions of a League of Nations.

The terms of reference of this Commission were as follows:

"The Conference, having considered the proposals for the creation of a League of Nations, resolved that—

"1. It is essential to the maintenance of the world settlement, which the Associated Nations are now met to establish, that a League of Nations be created to promote international co-operation, to ensure the fulfilment of accepted international obligations and to provide safeguards against war.

"2. This League should be treated <sup>2</sup> as an integral part of the general Treaty of Peace, and should be open to every civilised nation which can be relied on to promote its objects.

"3. The members of the League should periodically meet in international conference, and should have a permanent organization and secretariat to carry on the business of the League in the intervals between the conferences.

"The Conference therefore appoints a Committee representative of the Associated Governments to work out the details of the constitution and functions of the League."

This Commission was to be composed of fifteen members, *i. e.* two members representing each of the Great Powers (*United States of America, British Empire, France, Italy and Japan*), and five members to represent all the Powers with special interests. At a meeting of these latter Powers on the 27th January, 1919, Belgium, Brazil, China, Portugal and Serbia were chosen to designate one representative each. (See Annex 6 of Protocol No. 2.)

<sup>1</sup> For this in part, see Document 15.

<sup>2</sup> As to this word, see Vol. I, p. 76, note.

## 2. CONSTITUTION OF THE COMMISSION.

The Commission was therefore originally composed as follows:

## FOR THE UNITED STATES OF AMERICA:

The President of the United States of America.  
Honorable Edward M. House.

## FOR THE BRITISH EMPIRE:

The Rt. Hon. the Lord Robert Cecil, K.C., M.P.  
Lieutenant-General the Rt. Hon. J. C. Smuts, K.C., Minister  
of Defence of the Union of South Africa.

## FOR FRANCE:

Mr. Léon Bourgeois, former President of the Council of  
Ministers and Minister for Foreign Affairs.  
Mr. Larnaude, Dean of the Faculty of Law of Paris.

## FOR ITALY:

Mr. Orlando, President of the Council.  
Mr. Scialoja, Senator of the Kingdom.

## FOR JAPAN:

Baron Makino, former Minister for Foreign Affairs, Member  
of the Diplomatic Council.  
Viscount Chinda, Ambassador Extraordinary and Minister  
Plenipotentiary of H. I. M. the Emperor of Japan at  
London.

## FOR BELGIUM:

Mr. Hymans, Minister for Foreign Affairs and Minister of  
State.

## FOR BRAZIL:

Mr. Epitacio Pessoa, Senator, former Minister of Justice.

## FOR CHINA:

Mr. V. K. Wellington Koo, Envoy Extraordinary and Minister  
Plenipotentiary of China at Washington.

## FOR PORTUGAL:

Mr. Jayme Batalha-Reis, Envoy Extraordinary and Minister  
Plenipotentiary of Portugal at Petrograd.

## FOR SERBIA:

Mr. Vesnitch, Envoy Extraordinary and Minister Plenipoten-  
tiary of H. M. the King of Serbia at Paris.

A request of four other Powers—Greece, Poland, Roumania and the Czecho-Slovak Republic—to be represented on the Commission was referred by the Conference to the Commission for consideration. Upon the recommendation of the Commission the four following members took their seats on February 6th:

FOR GREECE:

Mr. Eleftherios Veniselos, President of the Council of Ministers.

FOR POLAND:

Mr. Roman Dmowski, President of the Polish National Committee.

FOR ROUMANIA:

Mr. Diamandy, Roumanian Minister Plenipotentiary.

FOR THE CZECHO-SLOVAK REPUBLIC:

Mr. Charles Kramar, President of the Council of Ministers.

3. FIRST REPORT OF THE COMMISSION.

Between the date of its appointment and the 14th February, the Commission met ten times. As a result of these meetings the following draft Covenant of the League of Nations was adopted, and read as a preliminary report by the Chairman at a plenary session of the Conference on the latter date. (Protocol No. 3) <sup>1</sup> :

4. SUBSEQUENT MEETINGS OF THE COMMISSION.

The draft Covenant of the 14th February was made public in order that discussion of its terms might be provoked. A great deal of constructive criticism followed upon its publication. Further suggestions resulted from hearings of representatives of thirteen neutral states before a Committee of the Commission on the 20 and 21st March.

These various recommendations were taken under advisement by the Commission, which held meetings on the 22nd, 24th and 26th March and on the 10th and 11th April. At the meeting of the 10th April a delegation representing the International Council of Women and the Suffragist Conference of the Allied countries and the United States were received by the Commission.

5. FINAL REPORT OF THE COMMISSION.

At the meetings of the 10th and 11th April the Commission agreed definitively on the following text of the Covenant to be presented to the Conference <sup>2</sup> :

<sup>1</sup> Document 23. For the text of the Covenant of February 14, see Annex to the minutes of the Tenth Meeting of the Commission in Document 19.

<sup>2</sup> The Covenant text here is omitted; see Document 31.

## 6. RECOMMENDATION OF THE COMMISSION.

At the last meeting of the Commission, the following resolution was adopted:

Resolved, that in the opinion of the Commission, the President of the Commission should be requested by the Conference to invite seven Powers, including two neutrals, to name representatives on a Committee

- A. to prepare plans for the organization of the League,
- B. to prepare plans for the establishment of the Seat of the League,
- C. to prepare plans and the Agenda for the first meeting of the Assembly.

This Committee shall report both to the Council and to the Assembly.

**Plenary Session of the Peace Conference, April 28, 1919**

[*This is not the complete text of the Protocol. See Vol. I, p. 495.*]

PRELIMINARY PEACE CONFERENCE

PROTOCOL No. 5

The Session is opened at 15 o'clock (3 p. m.) under the Presidency of Mr. Clemenceau, *President*.

The Minutes of the Session of the 11th April, 1919 (Protocol No. 4), are passed.

The Agenda Paper provides for the discussion of the Report of the Commission on the League of Nations (Annex 1).<sup>1</sup>

The President of the United States explains the alterations made in the Covenant by the Commission in the following speech:

Mr. President, when the text of the Covenant of the League of Nations was laid before you, I had the honour of reading the Covenant *in extenso*. I will not detain you today to re-read the Covenant as it has been now altered, but will merely take the liberty of explaining to you some of the alterations that have been made.

The Report of the Commission has been circulated; you yourselves have in your hands the text of the Covenant, and you will no doubt have noticed that most of the changes that have been made are mere changes of phraseology, not changes of substance, and that besides that, most of the changes are intended to clarify the document, or rather to make explicit what we all had assumed was explicit in the document as it was originally presented to you.

But I shall take the liberty of calling your attention, for fear that you may not have had time to examine the document carefully, to the new features, such as they are; some of them considerable, the rest, trivial.

The first paragraph of Article 1 is new. In view of the insertion of the Covenant in the Peace Treaty specific provision as to the signatories of the Treaty, who would become Members of the League, and also as to the neutral States to be invited to accede to the Covenant, was obviously necessary.

The paragraph also provides for the method by which a neutral State may accede to the Covenant.

The third paragraph of Article 1 is new, providing for the withdrawal of any member of the League on a notice given of two years.

The second paragraph of Article 14 is new, providing for a

<sup>1</sup> This is Document 32, and in French, Document 40.

possible increase in the Council, should other Powers be added to the League of Nations, whose present accession is not anticipated.

The last paragraph of Article iv is new, providing specifically for one vote for each Member of the League in the Council, which was understood before, and providing also for one representative of each Member of the League.

The first paragraph of Article v is new, expressly incorporating the provision as to unanimity of voting, which was at first taken for granted.

The second paragraph of Article vi has added to it, that a majority of the Assembly must approve the appointment of the Secretary-General.

The first paragraph of Article vii names Geneva as the Seat of the League, and is followed by a second paragraph which gives the Council power to establish the Seat of the League elsewhere should it subsequently deem it necessary.

The third paragraph of Article vii is new, establishing an equality of employment of men and women, that is to say, by the League. The second paragraph of Article xiii is new, inasmuch as it undertakes to give instances of disputes which are generally suitable for submission to arbitration, instances of what have latterly been called "justiciable" questions. The eighth paragraph of Article xv is new. This is an amendment regarding domestic jurisdiction; where the Council finds that a question arising out of an international dispute affects matters which are clearly under the domestic jurisdiction of one or other of the parties, it is to report to that effect, and make no recommendation. The last paragraph of Article xvi is new, providing for an expulsion from the League in certain extraordinary circumstances. Article xxi is new. The second paragraph of Article xxii inserts the words, with regard to mandatories, "and who are willing to accept it," thus explicitly introducing the principle that a mandate cannot be forced upon a nation unwilling to accept it. Article xxiii is a combination of several former articles, and also contains the following: a clause providing for the just treatment of aborigines, a clause looking towards the prevention of the White Slave traffic and the traffic in opium, and a clause in regard to the international prevention and control of disease. Article xxv specifically mentions the Red Cross as one of the international organisations which is to connect its work with the work of the League. Article xxvi permits amendment of the Covenant by a majority of States composing the Assembly instead of three-fourths of the States, though it does not change the requirement in that matter with regard to the vote in the Council. The second paragraph of Article xxvi is also new, and was added at the request of the Brazilian Delegation in order to avoid certain constitutional difficulties. It permits any Member of the League to dissent from an amendment, the effect of such dissent, however, being withdrawal from the League. An

Annex is added giving the names of the signatories of the Treaty who will become Members, and the names of the States invited to accede to the Covenant.

These are all the changes, I believe, which are of moment. Mr. President, I take the opportunity to move the following resolutions in order to carry out the provisions of the Covenant. You will notice that the Covenant provides that the first Secretary-General shall be chosen by the Conference. It also provides that the first choice of the four Member States which are to be added to the Five Great Powers on the Council is left to this Conference. I move, therefore—

First: That the first Secretary-General of the League shall be the Honourable Sir James Eric Drummond, K.C.M.G., C.B.

Second: That until such time as the Assembly shall have selected the first four Members of the League to be represented on the Council in accordance with Article iv of the Covenant, representatives of Belgium, Brazil, Greece, and Spain shall be Members of the Council; and

Third: That the Powers to be represented on the Council of the League of Nations are requested to name representatives who shall form a Committee of Nine to prepare plans for the organisation of the League and for the establishment of the Seat of the League, and to make arrangements and to prepare the Agenda for the first meeting of the Assembly. This Committee shall report both to the Council and to the Assembly of the League.

I think it is not necessary to call your attention to other matters we have previously discussed—the capital significance of this Covenant, the hopes which are entertained as to the effect it will have upon steadying the affairs of the world, and the obvious necessity that there should be a concert of the free nations of the world to maintain justice in international relations and peace between the nations of the world.

The President was calling on Baron Makino to speak when the President of the United States begged leave to add the few following remarks:

If Baron Makino will pardon me for introducing a matter which I absent-mindedly overlooked, it is necessary for me to propose the alteration of several words in the first line of Article v. Let me say that in several parts of the Treaty, of which this Covenant will form a part, certain duties are assigned to the Council of the League of Nations. In some instances, it is provided that the action they shall take shall be by a majority vote. It is, therefore, necessary to make the Covenant conform with the other portions of the Treaty by adding these words. I will read the first line, and add the words:

"Except where otherwise expressly provided in this Covenant, or by the terms of this Treaty, decisions at any meeting of the Assembly or of the Council, shall require the agreement of all the Members of the League represented at the meeting."

"Except where otherwise expressly provided in this Covenant," is the present reading, and I move the addition of "or by the terms of this Treaty." With that addition, I move the adoption of the Covenant.

Baron Makino (Japan) explains the grounds for the amendment proposed by the Japanese Delegation to the Commission with a view to secure recognition in the Covenant for the equality of all nations and of their subjects:

I had first on the 13th February an opportunity of submitting to the Commission of the League of Nations our amendment to the Covenant, embodying the principle of equal and just treatment to be accorded to all aliens who happen to be the nationals of the States which are deemed advanced enough and fully qualified to become Members of the League, making no distinction on account of race or nationality.

On that occasion I called the attention of the Commission to the fact that the race question being a standing grievance which might become acute and dangerous at any moment, it was desirous that a provision dealing with the subject should be made in this Covenant. We did not lose sight of the many and varied difficulties standing in the way of a full realisation of this principle. But they were not insurmountable, I said, if sufficient importance were attached to the consideration of serious misunderstandings between different peoples which might grow to an uncontrollable degree, and it was hoped that the matter would be taken in hand on such opportunity as the present, when what was deemed impossible before was about to be accomplished. Further, I made it unmistakably clear that, the question being of a very delicate and complicated nature, involving the play of a deep human passion, the immediate realisation of the ideal equality was not proposed, but that the clause presented enunciated the principle only, and left the actual working of it in the hands of the different Governments concerned; that, in other words, the clause was intended as an invitation to the Governments and peoples concerned to examine the question more closely and seriously, and to devise in a fair and accommodating spirit means to meet it.

Attention was also called to the fact that the League being, as it were, a world organisation of insurance against war; that in cases of aggression nations suitably placed must be prepared to defend the territorial integrity and political independence of a fellow-member; that this meant that a national of a State Member must be ready to share military expenditure for the

common cause and, if needs be, sacrifice his own person. In view of these new duties, I remarked, arising before him as a result of his country entering the League, each national would naturally feel, and in fact demand, that he be placed on an equal footing with the people whom he undertakes to defend even with his own life. The proposed amendment, however, was not adopted by the Commission.

On the next day, that is, on the 14th February, when the draft Covenant was reported at a Plenary Session of the Conference without the insertion of our amendment, I had the privilege of expressing our wholehearted sympathy and readiness to contribute our utmost to any and every attempt to found and secure an enduring peace of the world. At the same time I made a reservation that we would again submit our proposal for the consideration of the Conference at an early opportunity.

At the meeting of the Commission on the 11th April I proposed the insertion in the Preamble of the Covenant of a phrase endorsing the principle of the equality of nations and the just treatment of their nationals. But this proposal again failed to be adopted by unanimity, although it obtained, may I be permitted to say, a clear majority in its favour.

This modified form of amendment did not as I had occasion already to state at the Commission, fully meet our wishes, but it was the outcome of an attempt to conciliate the view-points of different nations.

Now that it has been decided by the Commission that our amendment, even in its modified form, would not be included in the draft Covenant, I feel constrained to revert to our original proposal and to avail myself of this occasion to declare clearly our position in regard to this matter.

The principle which we desire to see acted upon in the future relationship between nations was set forth in our original amendment as follows:

The equality of nations being a basic principle of the League of Nations, the High Contracting Parties agree to accord, as soon as possible, to all aliens nationals of States Members of the League equal and just treatment in every respect, making no distinction, either in law or in fact, on account of their race or nationality.

It is our firm conviction that the enduring success of this great undertaking will depend much more on the hearty espousal and loyal adherence that the various peoples concerned would give to the noble ideals underlying the organisation, than on the acts of the respective Governments that may change from time to time. In an age of democracy, peoples themselves must feel that they are the trustees of this work and, to feel so, they must first have a sure basis of close harmony and mutual confidence.

If just and equal treatment is denied to certain nationals, it would have the significance of a certain reflection on their quality

and status. Their faith in the justice and righteousness which are to be the guiding spirit of the future international intercourse between the Members of the League may be shaken, and such a frame of mind, I am afraid, would be most detrimental to that harmony and cooperation, upon which foundation alone can the League now contemplated be securely built. It was solely and purely from our desire to see the League established on a sound and firm basis of goodwill, justice, and reason that we have been compelled to make our proposal. We will not, however, press for the adoption of our proposal at this moment.

In closing, I feel it my duty to declare clearly on this occasion that the Japanese Government and people feel poignant regret at the failure of the Commission to approve of their just demand for laying down a principle aiming at the adjustment of this long-standing grievance, a demand that is based upon a deep-rooted national conviction. They will continue in their insistence for the adoption of this principle by the League in future.

M. Hymans (*Belgique*) présente les observations suivantes sur le choix du siège de la Société des Nations et sur l'ensemble du Pacte :

La Conférence sait qu'au sein du Comité qui a préparé le Pacte soumis actuellement à nos délibérations, j'avais demandé que Bruxelles fût choisie comme siège de la Société des Nations.

La Conférence sait également que cette proposition n'a pas été adoptée, et je ne puis lui dissimuler que cette décision a provoqué en Belgique et dans l'opinion publique belge une très profonde déception.

Cependant, je tiens à saluer aujourd'hui, au nom de la Belgique qui va être, si la proposition de M. Wilson est adoptée par la Conférence, représentée au sein du Comité exécutif, je tiens à saluer, dis-je, au nom de la Belgique, la nouvelle institution de solidarité, dont le Pacte, soumis aujourd'hui à nos discussions, constitue en quelque sorte l'acte de naissance.

Sans doute, l'œuvre n'est point parfaite.

Et comment en serait-il autrement puisqu'il a fallu, pour aboutir, concilier les mœurs, le tempérament, les institutions politiques de beaucoup de peuples avec les obligations internationales que le Pacte impose à toutes les Parties Contractantes ?

De là, nécessairement, certaines lacunes, certains défauts. Il ne faudrait cependant pas qu'ils servent d'aliment à un scepticisme facile ou à des dénigrements stériles. Nous commençons une grande expérience et, pour réussir, il faut qu'elle soit aidée par la bonne volonté des peuples, par leur confiance, par la coopération loyale et sincère des Gouvernements et des peuples.

La Belgique sait, les événements le lui ont montré, que ni l'effort militaire isolé d'un peuple pour sa défense, ni la sainteté d'un Traité, ne constituent une protection suffisante contre les ambitions et la cupidité d'un État qui ne spécule que sur la force.

Cependant, les peuples ne pourront pas se désintéresser du souci de leur propre sécurité; mais ils pourront compter sur les garanties que leur offrira la Société des Nations et qui contribueront à assurer le respect de leur indépendance, le culte du droit et la conservation de la paix.

M. Juan Antonio Buero (*Uruguay*) expose les motifs pour lesquels la Délégation de l'Uruguay donne son entière approbation au Pacte dans les termes suivants :

J'ai l'honneur d'exprimer, au nom du Gouvernement de l'Uruguay, l'adhésion aux principes, exposés dans le Pacte de la Société des Nations.

L'Uruguay, comme les autres pays d'Amérique, voit dans la consolidation de la Paix, le moyen de continuer son développement commercial et industriel et l'exploitation de ses grandes richesses naturelles.

La Paix est indispensable pour la réalisation des projets que nous devons mener à bien dans notre continent, tels que l'établissement des voies ferrées entre les deux Amériques et l'augmentation de lignes de navigation qui servent le commerce chaque jour plus important entre l'Amérique latine et les Pays de l'Europe.

J'affirme que les forces de l'Uruguay seront toujours au service de la Paix basée sur la Justice. Les traités d'arbitrage obligatoire et sans limitation que mon pays a passés avec l'Angleterre, la France, l'Italie, le Brésil, le Pérou, la Bolivie, la Colombie, le Paraguay, sont la base même de sa politique internationale.

En exprimant notre sentiment, nous sommes heureux de constater que nous suivons une tradition déjà consacrée parmi nous et que nous avons fait connaître à la deuxième Conférence de la Paix qui tint ses séances à la Haye en 1907. Le premier Délégué de l'Uruguay, M. Battle Ordóñez, ancien Président de la République, y exprima son adhésion aux principes qui sont sur le point d'être adoptés aujourd'hui, et qui, en organisant la coopération entre les nations, leur garantissent la sûreté, l'indépendance et le respect des Traités.

Le projet de M. le Président Wilson a été hautement apprécié par tous les citoyens de mon pays qui lui ont déjà témoigné leur reconnaissance, dont je tiens aujourd'hui à renouveler l'expression. La Délégation de l'Uruguay forme des vœux pour qu'une adhésion unanime soit donnée au principe de la Société des Nations par les Représentants des Puissances réunies dans la Capitale de la France glorieuse, que l'Uruguay aime et admire.

La politique internationale de l'Uruguay a adopté le principe de solidarité américaine; le Gouvernement a déclaré le 18 juin 1917 qu'une attaque aux droits d'une Nation du continent devrait être considérée comme une attaque aux autres Nations du même continent, et qu'une action commune en devrait être la conséquence.

L'Uruguay a déclaré, à même date, qu'il ne considérerait pas

comme belligérantes les Nations américaines qui, en défense de leurs droits, seraient en état de guerre avec des Nations d'un autre continent.

Ces déclarations ont en vue la garantie de la Paix et l'observation des principes du Droit international. C'est pourquoi l'Uruguay estime que les ententes régionales qui s'inspirent des mêmes idées pour atteindre le même but ne sont pas incompatibles avec les principes de la Société des Nations.

M. Léon Bourgeois (*France*), en présentant des amendements aux articles 8 et 9 du Pacte, expose les principes sur lesquels ils sont fondés et développe les motifs pour lesquels la Délégation française en recommande l'adoption à la Conférence dans les termes suivants :

La Délégation française a présenté à la Commission de la Société des Nations deux amendements sur les articles 8 et 9 du projet de Convention; ces amendements n'ayant pas été adoptés, elle a réservé son vote sur ces deux articles en même temps que son droit de saisir la Conférence plénière elle-même des deux textes dont j'ai l'honneur de vous rappeler ici les termes :

*Art. 8.* Les Hautes Puissances Contractantes résolues à se donner franche et pleine connaissance mutuelle de l'échelle de leurs armements et de leurs programmes militaires et navals ainsi que des conditions de leurs industries susceptibles de s'adapter à la guerre, institueront une Commission chargées des constatations nécessaires.

*Art. 9.* Un organe permanent sera constitué pour prévoir et préparer les moyens militaires et navals d'exécution des obligations que la présente Convention impose aux Hautes Puissances Contractantes et pour en assurer l'efficacité immédiate dans tous les cas d'urgence.

Il a fallu que nous attachions une signification très importante à ces amendements pour que nous en ayons jugé indispensable la discussion publique.

Ils touchent en effet non point seulement à un détail d'application des principes de la Société des Nations, mais à l'interprétation de ces principes eux-mêmes et, de leur adoption ou de leur rejet, peuvent résulter pour l'avenir de l'institution internationale, des conséquences très étendues.

Lorsque l'opinion universelle a été saisie, sur la haute initiative de M. le Président Wilson, du problème que nous discutons aujourd'hui, trois conceptions distinctes ont paru se dégager des controverses ouvertes sur ce sujet.

Les uns rêvaient la création d'une véritable souveraineté internationale : un Parlement, un pouvoir exécutif communs étaient institués, ils recevaient le droit d'édicter toute une législation internationale. Ce n'était rien de moins que l'abdication de la souveraineté de chacun des États.

D'autres, au contraire, demandaient que la liberté la plus grande fût laissée à chaque Nation ; le règlement des conflits par la voie pacifique n'était point rendu obligatoire ; aucune sanction

efficace n'était prononcée contre l'État qui manquerait aux engagements consentis. On comptait surtout sur l'influence morale que l'opinion universelle exercerait, grâce aux délibérations publiques du Conseil international pour déterminer le libre consentement de chacun à l'exécution des mesures recommandées au nom de tous.

Il y avait lieu de craindre qu'une telle conception n'aboutît qu'à des résultats inefficaces et que l'allègement des charges écrasantes que la paix armée fait peser sur le monde ne fût définitivement ajourné.

La France avait étudié un projet dans lequel on s'efforçait de tenir compte de ce qu'il y avait de pratique et de réalisable dans les deux tendances extrêmes que nous venons de résumer.

Pour nous, la souveraineté de chacun des États n'est pas une notion absolue. Suivant la parole de M. le Président Wilson: "Il ne peut y avoir de Paix sans concessions ni sacrifices." Comme la liberté de l'individu à l'intérieur des États, la souveraineté d'un État est, aux yeux du Droit, limitée par l'égale souveraineté des autres et l'institution internationale doit avoir pour objet de préciser cette limite, de la fixer équitablement sur la base d'une mutuelle réciprocité et de faire admettre par tous certaines garanties et certaines sanctions pour que la Convention librement acceptée par tous soit fidèlement exécutée par tous.

La Commission de la Société des Nations ayant pris pour base de ses discussions le projet de Covenant présenté par M. le Président Wilson, la Délégation française ne pouvait agir que par voie d'amendement pour essayer de faire pénétrer plus complètement dans les divers articles de la Convention les principes dont elle avait pris l'initiative et la responsabilité. Elle est heureuse de constater que, sur la plupart des points, l'accord s'est unanimement établi.

L'article 10 garantit contre toute agression extérieure l'intégrité territoriale et l'indépendance politique de tous les Membres de la Société et le Conseil doit aviser aux moyens d'assurer l'exécution de cette obligation.

L'article 12 établit l'obligation pour tous les Membres de soumettre tout différend pouvant survenir entre eux à l'arbitrage ou à l'examen du Conseil. Si un État voulait recourir à la guerre sans avoir suivi cette procédure ou, après l'avoir suivie, prendre les armes soit avant l'expiration des délais fixés pour la sentence arbitrale ou pour la décision du Conseil, soit dans les trois mois qui suivront cette sentence ou cette décision, cet État, en vertu de l'article 16, serait *ipso facto* considéré comme ayant commis un acte de guerre contre tous les autres États.

Tous les États adhérents s'engagent à rompre immédiatement avec lui toutes relations commerciales ou financières, à interdire tous rapports entre leurs nationaux et ceux de l'État en rupture de Pacte; en même temps, il serait du devoir du Conseil d'indiquer aux divers Gouvernements intéressés les contingents militaires ou navals qu'ils devront respectivement fournir pour constituer la force internationale.

En outre, le projet de Convention groupe fort heureusement (art. 23) autour du système politique et juridique de la Société des Nations tout un ensemble de règles destinées à assurer le développement des intérêts internationaux, qu'il s'agisse de la protection du travail humain, de la répression de la vente des femmes ou des enfants, du trafic de l'opium, de la liberté des communications et du transit, de la lutte contre les maux sociaux. Ces relations mutuelles et constantes établies entre les peuples ne peuvent que contribuer à développer puissamment entre leurs intérêts matériels et moraux, cette solidarité consciente qui est une des meilleures garanties de la Paix.

Devant cet ensemble de dispositions, nous désirons sincèrement pouvoir donner notre adhésion au projet de Pacte. Mais il est du devoir de la Délégation française de signaler les points sur lesquels lui apparaissent de graves lacunes de la Convention.

Une première observation générale est nécessaire. L'objet essentiel de la Société des Nations est d'assurer le maintien de la Paix. Or, même dans les cas prévus par les articles 10 et 12 que nous avons cités, où des sanctions sont reconnues nécessaires, il n'y a pas obligation réelle pour les États à fournir leurs contingents militaires; il ne s'agit que d'un engagement moral qui, lui, n'est pas sanctionné.

Dans tous les autres cas, il n'est pas possible de dire que le recours aux armes soit condamné; quand un État aura suivi la procédure obligatoire et se sera soumis à tous les délais, il pourra procéder militairement contre l'État avec lesquels il est en conflit.

Enfin, lorsqu'il s'agit des différends soumis, non à l'arbitrage, mais au Conseil, et l'on sait que ce cas sera le plus fréquent, puisque l'arbitrage n'est pas obligatoire, et que, même lorsqu'il s'agit de cas d'ordre juridique, il suffit que l'une des parties choisisse le recours au Conseil pour que celui-ci soit et reste saisi, l'interdiction de recourir aux armes n'existe que si le Conseil est unanime. Dans tous les cas où il n'y a qu'une majorité, même considérable, le Pacte ne joue plus, et, suivant un des paragraphes de l'article 15, chacun des États reprend sa liberté. Il peut aider par les armes l'État ou les États qu'il entend soutenir: c'est tout le système des alliances qui continue alors à jouer avec l'agrément de la Société des Nations.

Aujourd'hui, il est vrai, a été déposé un amendement à l'article 5, qui atténue les effets de cette disposition, et aux termes duquel la majorité peut suffire pour l'application de certaines clauses prévues par le Traité de Paix. C'est un progrès que nous accueillons avec empressement.

Ardemment animée du désir de voir enfin assurée la création de la Société des Nations et résolue à aller, pour y parvenir, aussi loin que sa conscience le lui permettrait, la Délégation française n'a pas hésité, malgré leurs lacunes, à accepter les dispositions précédentes du projet soumis à la Conférence.

Elle a compris qu'il n'y avait là qu'une étape vers une organisation complète et ces insuffisances de la Convention ne sont, en

effet, redoutables que si les États qui chercheraient à en profiter ont assez de force pour résister à la volonté commune. Une condition est suffisante, mais elle est indispensable: il faut que la force militaire manque aux récalcitrants.

La limitation *effective* des armements est la condition suprême de la Paix. C'est parce qu'il n'était pas encore possible d'introduire dans les statuts de la Société l'interdiction absolue du recours à la guerre, que nous avons considéré les moyens de rendre pratiquement ce recours à peu près impossible. La France a dû concentrer son effort sur la question de la limitation rigoureuse des armements; elle a voulu réaliser cette pensée de M. le Président Wilson: "Il faut créer une force tellement supérieure que pas une Nation ou une combinaison probable de Nations ne puisse lui résister."

Il faut enlever aux États qui seraient tentés de violer le Droit et la Paix les moyens de persévérer dans leurs projets. Il faut leur interdire d'en espérer le succès.

Pour que la force internationale s'imposant par sa seule présence n'ait pas besoin d'être mise en mouvement, pour que la guerre soit réellement évitée au monde, deux conditions sont nécessaires; et ce sont ces deux conditions que proposent de fixer nos deux amendements.

Par le premier, nous entendons assurer la limitation réelle, effective, permanente des armements. L'article 8 du projet reconnaît que le maintien de la paix exige cette réduction, mais il n'en fait pas une obligation stricte pour tous les Membres de la Société; chaque Gouvernement reste libre d'accepter ou de refuser, sans aucune menace de sanction, le plan de réduction proposé par le Conseil. De plus, si un Gouvernement, tout en acceptant en principe cette réduction, s'y dérobe en fait secrètement, aucun moyen n'est offert à la Société pour constater cette violation.

Il faut, pour que cette limitation soit réelle et effective, que la vérification soit possible. Dans une pensée de transaction, à laquelle nous rendons hommage, il a bien été proposé d'admettre qu'en cas de soupçons, on pourra procéder à une enquête sur place, mais il y a dans la déclaration même de soupçons, alors qu'aucune preuve ne peut être fournie, un danger grave et une cause de conflit: formuler un soupçon contre la loyauté d'un des États associés c'est un acte que celui-ci considérera comme non amical; le point d'honneur se trouvera aussitôt engagé, c'est un risque de rupture dans la Société elle-même. Un système de vérification mutuelle qui ne met en doute la bonne foi de personne en particulier, c'est une règle commune acceptée par tous dans l'intérêt de tous, qui peut seule permettre, sans froissement et sans vexation, de constater la réalité des faits. Nul ne pourra prononcer une accusation tant que les faits n'auront pas permis de la justifier. D'ailleurs, la proposition transactionnelle qui nous était faite sur l'article 8 était subordonnée à cette condition que l'amendement français à l'article 9 serait en même temps supprimé.

Nous ne pouvions évidemment abandonner ainsi un des deux points essentiels de notre pensée.

Par notre second amendement, nous ne demandons pas, comme on l'a dit, la création d'un État-Major international, préparant de sa propre initiative des opérations éventuelles. L'article 9 prévoit l'existence d'une Commission permanente chargée de donner au Conseil son avis sur l'exécution des articles 1 et 8 et, d'une façon générale, sur les questions militaires et navales. C'est à cette Commission elle-même que nous demandons, en somme, de donner des attributions sans lesquelles son rôle risquera presque toujours d'être inefficace.

La Commission de l'article 9 sera nécessairement composée d'experts militaires. Elle recevra de tous les États associés les renseignements concernant leurs effectifs, leurs armements, etc.; elle aura, par conséquent, en main et tenue à jour, toute la documentation indispensable, au cas où le Conseil reconnaîtrait la nécessité d'une opération militaire.

Nous demandons qu'elle soit chargée de prévoir et de préparer les mesures que le Conseil devra prescrire. Nous demandons qu'elle puisse, ayant envisagé à l'avance les risques de conflits possibles, soumettre sans retard au Conseil et permettre à celui-ci de proposer aux Gouvernements les mesures d'urgence sans lesquelles la sécurité des États faibles et pacifiques sera toujours en péril. Cette Commission ne pourra, nous le répétons, travailler que sur les instructions du Conseil; ses études seront toujours dirigées dans un sens purement défensif.

On a été jusqu'à dire que ce serait un organe de guerre inacceptable dans une ligue formée pour la Paix, qu'il pourrait y maintenir et y développer l'esprit de lutte et de conquête. Si cet esprit devait reprendre une force nouvelle, ce serait bien plutôt dans les États-Majors particuliers de certains États, dans l'atmosphère passionnée des groupements rivaux. Au siège de la Société des Nations, c'est un autre esprit qui prévaudra, et la collaboration des représentants militaires des Membres de la Société, leurs relations mutuelles, leur travail en commun sur des problèmes dont l'objet essentiel sera toujours le maintien de la Paix, tout contribuera à développer chez eux l'esprit d'entente qui doit être celui de la force internationale et par eux à répandre dans toutes les armées ce même esprit, ces mêmes sentiments d'estime réciproque et de solidarité.

Il n'y a donc rien dans ces deux amendements qui puisse porter atteinte à la dignité d'un État, ou mettre en danger l'esprit de Paix qui doit animer la Société des Nations.

Si nous n'avons pas obtenu de la Commission le vote de ces articles, nous pouvons dire que nous ne les présentons pas cependant au nom de notre seul pays.

De grandes Associations se sont formées chez tous les peuples alliés pour défendre et pour propager le principe de la Société des Nations. Dans les deux réunions que ces Associations ont tenues à Paris et à Londres, toutes, unanimement, anglaise, américaine,

italienne, belge, roumaine, yougo-slave, chinoise, ont formellement adopté nos propositions. Plusieurs des États neutres dont les Délégués ont été convoqués à Paris pour une consultation officielle ont appuyé les propositions françaises ou présenté des amendements analogues. De nombreux groupements anglais : le "Labour Party" et les "Trade Unions" dans la Conférence spéciale qu'ils ont tenue au début d'avril pour examiner le plan de la Société des Nations, ont réclamé le contrôle des armements. Enfin, c'est M. Elihu Root, le grand jurisconsulte américain, qui propose à l'article 9 l'addition suivante :

"La Commission aura pouvoir d'inspecter et de vérifier tous les armements, équipements, munitions, industries de guerre, fixés par l'article 8."

Nous nous rallierions volontiers à ce texte et accepterions même de réunir ce premier amendement à notre second amendement dans l'article 9.

La question de la forme et de la rédaction nous est, bien entendu, tout à fait indifférente ; c'est l'idée même que nous avons en vue de faire triompher.

Nous croyons avoir avec nous, dans l'opinion publique qui tient essentiellement à supprimer les risques de la guerre, l'appui d'innombrables adhérents. On a dit avec juste raison que la plus grande force sur laquelle puisse s'appuyer la Société des Nations, c'est celle de l'opinion publique.

Comment celle-ci sera-t-elle avertie et pourra-t-elle agir si des mesures préalables de contrôle et de préparation ne sont point edictées, si la mauvaise volonté ou la mauvaise foi d'un État peut surprendre brusquement dans leur sécurité les Nations respectueuses de la loi commune et si l'intervention de la puissance internationale risque de se produire tardivement. Lorsque nous demandons ces garanties complémentaires, nous croyons ajouter une condition de plus à toutes celles que le projet de Pacte a si heureusement réunies pour assurer la Paix du monde.

Ce que nous redouterions le plus pour l'institution internationale, c'est qu'elle apparût un jour inefficace et impuissante. Ce n'est pas à la minute présente qu'il est possible de la juger.

Elle est actuellement désirée par tous les esprits généreux. L'horreur du spectacle que nous a donné la guerre, sans précédents et sans merci, qui s'achève, fait aujourd'hui battre d'indignation tous les cœurs. On peut dire que l'âme humaine, sur tous les points du monde, aspire à cette certitude que de pareilles horreurs ne pourront désormais se renouveler et l'heure est par conséquent favorable pour armer puissamment l'institution tutélaire à laquelle on veut confier la défense de la civilisation. Mais les générations qui viendront après nous et qui n'auront pas eu le spectacle direct des atroces souffrances que vient d'éprouver une partie de l'humanité seront moins sensibles que nous le sommes nous-mêmes, et l'idée de la guerre n'apparaîtra peut-être pas sous un jour aussi odieux à ceux qui, n'en ayant pas connu les épouvantables désastres, se laisseront entrainer de nouveau vers les

idées d'ambition, de conquête et de gloire; alors des dangers peuvent naître et une catastrophe nouvelle peut se déclencher.

Or, n'oublions pas que tout conflit entre deux États sur un point quelconque de la terre est désormais appelé à se généraliser comme s'est généralisée la guerre dernière et à mettre en péril le monde entier.

Quelle responsabilité serait celle des auteurs de la grande Charte si, par quelque défaut de prévoyance, par l'absence de quelques garanties faciles à procurer, par le refus de quelques sacrifices, ils avaient augmenté, fût-ce dans la plus faible mesure, les risques d'une telle catastrophe!

Rappelons-nous les paroles éloquentes de M. le Président Wilson. Le 26 mai 1917, il disait, parlant de l'heure de la victoire:

"Pas plus alors que maintenant, nous ne pouvons nous permettre d'être faibles, d'omettre une seule des garanties nécessaires à la justice et à la sécurité."

Et quelle était la garantie qu'il exigeait avant toutes autres? "La question des armements, disait-il le 27 janvier 1917, est de toutes les questions pratiques la plus immédiate et la plus urgente pour les destinées futures des nations et de l'humanité. . . .

"Des accords seuls ne peuvent assurer la Paix; il sera absolument nécessaire qu'une force soit créée, garantissant la permanence de l'accord, une force tellement supérieure à celle de toutes les Nations actuellement engagées ou à celle de toutes alliances jusqu'ici formées ou projetées, que pas une Nation, pas une combinaison probable de Nations, ne puisse l'affronter ni lui résister."

Nos amendements n'ont pas d'autre objet que de réaliser pratiquement la même pensée.

Nous parlons au nom de tous les États pacifiques, au nom surtout de tous les petits États qui n'auront jamais la force nécessaire pour résister à eux seuls à une première agression; au nom de ceux dont la situation géographique et la nature des frontières rendent l'avenir toujours incertain, si quelque règle supérieure ne les protège pas puissamment.

On a pensé et on a dit qu'en défendant ces amendements la France défendait surtout presque exclusivement, la cause de la France, et nous n'avons pas, en effet, hésité à montrer comme un exemple le péril que pourrait encore courir cette frontière de notre pays dont le Président Wilson a dit qu'elle était la frontière même de la liberté du monde.

Mais ce n'est là qu'un exemple, et la France, fût-elle protégée par la plus forte ceinture de montagnes, ou protégée par l'Océan tout entier, protégée par les alliances les plus solides, pensant non à elle seule, mais à tous, tiendrait le même langage et formulerait les mêmes propositions.

Nous ne parlons pas seulement au nom de nos régions envahies et dévastées, qui ne peuvent être une fois encore exposées à cette ruine, et qu'il faudra tant d'années pour relever et pour faire revivre; il en est bien d'autres en Belgique, en Serbie, en Italie, qui ont eu le même sort, bien d'autres qui pourraient le subir dans

ces États rappelés à la liberté par la victoire du Droit et dont les forces naissantes veulent être efficacement protégées.

Nous ne parlons pas seulement, nous, Français, au nom de nos dix-sept cent mille morts, mais au nom des morts innombrables tombés pour le Droit sur tous les fronts d'Europe, et qui ont voulu que leurs enfants et les enfants de leurs enfants soient mis, par tous les moyens dont dispose la volonté humaine, à l'abri de semblables hécatombes.

Y a-t-il donc dans les garanties que nous demandons un sacrifice que les Membres de la Société des Nations puissent trouver excessif ?

“La Société des Nations, a dit le Président Wilson, à notre Chambre des Députés, la France la voit, non seulement comme une nécessité pour elle-même, mais comme une nécessité pour le genre humain, et elle sait que les sacrifices qui peuvent être nécessaires à l'établissement de la Société des Nations n'ont rien qui puisse être comparé aux sacrifices qui deviendraient nécessaires si elle n'avait pas la Société des Nations; *un peu d'abandon de son indépendance d'action* ne peut pas être mis en parallèle avec l'incessante menace d'une autre catastrophe.”

Ce n'est pas la France qui se refusera aux sacrifices nécessaires; je voudrais que nous fussions unanimes à y consentir. L'œuvre que nous avons entreprise, ce ne sont pas les Gouvernements qui sont ici représentés, ce sont les peuples eux mêmes qui la jugeront en dernier ressort.

Réfléchissons sur ce problème et ne nous décidons qu'après être descendus au plus profond de notre conscience.

M. L.-L. Klotz (*France*) demande le renvoi à la Société des Nations du projet d'une section financière de la Société dans les termes suivants:

Sur le Bureau de la Conférence de la Paix, lors de la séance plénière tenue le 25 janvier, j'ai eu l'honneur de déposer le projet d'une section financière de la Société des Nations.

Ce projet a été renvoyé à l'étude de la Commission financière qui en admit le principe à l'unanimité, et, dans sa séance du 28 février, en a confié l'examen à la Sous-Commission chargée d'étudier les problèmes interalliés.

Le rapport de M. Montagu, représentant l'Empire britannique, accepté à l'unanimité le 26 mars par la Sous-Commission, a été soumis à la Commission financière réunie en séance plénière.

Celle-ci, dans sa séance du 5 avril, a adopté à l'unanimité le rapport, qu'elle a envoyé au Conseil Suprême interallié.

Le Comité spécial chargé de reviser le rapport de la Commission et de présenter ses conclusions au Conseil des Présidents a joint à son rapport général favorable le texte adopté par la Commission financière.

Conformément à la décision du Conseil des Présidents, prise

à la séance du 26 avril, je vous demande d'ordonner le renvoi à la Société des Nations.

M. Burgos (*Panama*) expose les motifs pour lesquels la Délégation de Panama donnera au Pacte son approbation cordiale dans les termes suivants :

J'ai le grand honneur de représenter à cette Conférence la République de Panama. C'est un petit État, mais son peuple, pénétré des idées de justice et de liberté, fut le premier qui, en Amérique, après la République des États-Unis, adhéra à la cause des Alliés.

Ce peuple, alors que d'autres se taisaient et tremblaient devant les injustices d'un plus fort, dans l'espoir d'éviter un mal plus grand, renonçaient à un droit imprescriptible dans la crainte de perdre tous les autres, et ainsi, par attachement à la vie, semblaient se résigner à l'esclavage pire que la mort elle-même, le peuple de Panama,—dis-je—à toujours eu confiance en cette Puissance de l'esprit qu'aucun pouvoir humain ne peut vaincre, qu'aucune force, si puissante qu'elle soit, ne devrait oser défier : je veux dire le Droit luttant matériellement jusqu'à la mort, mais ne cédant jamais.

C'est pourquoi je me présente au nom de mon Gouvernement le front haut, car je suis sûr de trouver auprès de vous la considération que nous méritons pour de si nobles convictions auxquelles nous avons toujours subordonné nos actions.

Ma satisfaction d'assister à des débats si importants est plus grande encore quand je me rappelle que Simon Bolivar, le premier,—c'était au Congrès historique de Panama—, suggéra l'idée d'une institution groupant des Républiques américaines, juridiquement organisées, destinée, disait le libérateur, "à former la ligue la plus vaste, la plus extraordinaire, la plus forte, qui ait paru sur la terre. La Sainte Alliance, serait inférieure en pouvoir à cette confédération. Le genre humain bénirait cette ligue de salut, et l'Amérique en récolterait les bienfaits. Les Sociétés politiques en recevraient un code de droit public qui deviendrait la loi du monde."

Je me rappelle aussi ces phrases que j'ai lues, il y a longtemps, dans l'histoire de la vie de G. Washington, et dont je n'ai jamais oublié le noble sens : "O mon peuple, observe la bonne foi et la justice envers toutes les Nations. Cultive la paix et la bonne harmonie.—La morale et la religion te l'ordonnent, et aussi une sage politique.—Il sera très beau de voir un peuple libre donner au monde l'exemple de la plus haute justice."

Ne trouvons-nous pas dans ces souvenirs un peu de la pensée de M. le Président Wilson ? Mais cet homme en fait une interprétation plus large encore, et propose la formation d'une Société des Nations grâce à laquelle les troubles entre les États disparaîtraient, les institutions démocratiques se développeraient normalement, les peuples renonceraient à toute idée de conquête, et

sûrs de voir leurs droits respectés, n'auraient plus à craindre la domination d'une puissance militaire formidablement organisée.

Vous êtes ici assemblés pour créer cette Société future qui doit assurer le triomphe du Droit et de la Justice selon les fortes paroles de M. le Président Wilson, dont la belle et puissante pensée a pénétré des millions de consciences.

Des peuples comme celui que j'ai l'honneur de représenter, petit par son territoire, grand par ses nobles aspirations et sa confiance en un avenir prospère, ne peuvent vivre que par la Justice.

Aussi tous vos travaux pour assurer son triomphe, sont suivis avec intérêt et enthousiasme. C'est de vous qu'ils attendent la réalisation de leurs espérances, et vous aurez mérité leur reconnaissance éternelle.

M. Bonnilla (*Honduras*) propose un amendement ayant pour objet de déterminer le sens de la doctrine de Monroe, visée à l'article 21 du Pacte, dans les termes suivants :

La Délégation du Honduras propose qu'au moment de sauvegarder ou de mentionner la doctrine de Monroe dans le Pacte de la Société des Nations, il soit ajouté ce qui suit :

"Cette doctrine, que les États-Unis d'Amérique ont maintenue depuis l'année 1823, date à laquelle elle fut proclamée par le Président Monroe, signifie que toutes les Républiques de l'Amérique ont droit à leur existence indépendante, sans qu'aucune Nation puisse acquérir par la conquête une partie quelconque de leur territoire, ni intervenir dans leur Gouvernement ou administration intérieurs, ni effectuer un autre acte pouvant porter atteinte à leur autonomie, ou blesser leur dignité nationale, mais elle ne s'oppose pas à ce que les pays de l'Amérique latine puissent se confédérer ou s'unir sous une autre forme, dans la recherche de la meilleure manière de réaliser leur destinée."

Dans la séance privée qui eut lieu le 16 avril, et à laquelle furent convoqués les Délégués des Nations qui ne sont pas intervenues dans la rédaction du Traité préliminaire de Paix, il nous fut communiqué qu'une conférence générale serait convoquée pour le 25 de ce mois, en vue de prendre connaissance des bases dudit Traité, avant qu'elles soient soumises aux Représentants de l'Allemagne, convoqués à Versailles pour le jour suivant.

En raison de la brièveté du temps disponible, il fut déclaré qu'il ne serait pas possible de donner intégralement lecture du projet, et que celle-ci serait limitée aux points les plus importants. Je crois que cette limitation n'aura aucun inconvénient, pour les Délégués d'entre nous qui ne connaissent pas le projet, en ce qui concerne les arrangements territoriaux et les autres points dans lesquels les pays que nous représentons ne sont pas directement intéressés. J'ai pleine confiance que les stipulations relatives à ces points seront conformes à la justice, seule base sûre d'une paix stable, et qu'en même temps les précautions nécessaires seront prises en vue d'éviter la répétition de la catastrophe mondiale qu'a impliquée la guerre qui vient de finir.

D'après des informations publiées par la presse, on a incorporé dans le Traité préliminaire de Paix le Pacte de la Société des Nations, en considérant cela comme le meilleur moyen d'assurer la stabilité de la paix.

Ce pacte intéresse directement toutes les Nations représentées à la Conférence et surtout, si c'est possible, les petites Nations comme celle que je représente. Les bases rédigées par la Commission nous sont connues; mais la presse a annoncé que des modifications y ont été introduites, et notamment un amendement proposé par la Délégation nord-américaine, déclarant que le Pacte n'affecte pas la validité d'autres conventions internationales, comme les traités d'arbitrage, ou d'ententes régionales, comme la doctrine de Monroe, pour assurer le maintien de la Paix.

La doctrine de Monroe intéresse directement les Républiques de l'Amérique latine; et, comme elle n'a jamais été inscrite dans un document international, qu'elle n'a pas été expressément acceptée par les Nations de l'Ancien et du Nouveau Continent, et qu'elle a été définie et appliquée de différentes manières par les hommes d'État et les Présidents des États-Unis d'Amérique. j'estime nécessaire que dans le Pacte qu'on s'efforce de conclure, elle soit définie avec une entière clarté, de telle manière qu'à l'avenir elle puisse faire partie du droit international écrit.

La Délégation nord américaine est présidée par le très honorable Woodrow Wilson; et il est certain que, si elle n'a pas défini la doctrine de Monroe dans le document où elle la mentionne, elle a eu présente à l'esprit la définition qu'en a donnée M. Wilson comme Président des États-Unis, dans ses divers discours depuis celui de Mobile en 1913 jusqu'aux plus récents de l'année actuelle. Dans ces discours, il a déclaré que cette doctrine est, non pas une menace, mais une garantie pour les Nations plus faibles que l'Amérique et il a désavoué expressément les interprétations par lesquelles on a parfois voulu voir dans cette doctrine la source d'une sorte de tutelle que les États-Unis auraient le droit d'exercer sur les autres Républiques américaines. Dans son discours aux journalistes mexicains, en date du 7 juin 1918, il a déclaré tout spécialement que la doctrine de Monroe implique une garantie en faveur des pays les plus faibles, non seulement à l'égard des Nations de l'Ancien Continent, mais aussi par rapport aux États-Unis, et il a parlé à cet effet de la conclusion d'un Pacte pan-américain, ce qui peut être effectué en insérant ce Pacte dans celui qui est en discussion. En raison de ces déclarations, le Président Wilson est l'homme qui a le mieux exposé l'idéal des peuples du Continent américain.

Toutes ces considérations me portent à présenter la proposition ci-jointe qui, je l'espère, méritera d'être bien accueillie par la Délégation des États-Unis et sera appuyée par celles des Républiques de l'Amérique latine, qui ainsi payeront leur tribut d'admiration et de respect au premier magistrat de la Nation nord-américaine, lequel a donné tant de preuves de son amour de la justice.

Je présente ci-joint quelques paragraphes du beau discours aux journalistes mexicains que nous avons mentionné.<sup>(1)</sup>

Si l'amendement américain auquel je me suis référé est rédigé dans les termes publiés, ou d'autres semblables, le Pacte de la Société des Nations ne sera pas un obstacle à ce que les peuples de l'Amérique latine puissent se confédérer ou s'unir sous une autre forme tendant à la réalisation du rêve de Bolivar.

Je veux faire une dernière déclaration : en souscrivant au nom du Honduras au Pacte en projet, je fais d'avance la réserve expresse, pour mon pays, du droit que sa constitution lui accorde de s'unir à une ou plusieurs autres des Nations de l'isthme de l'Amérique centrale en vue de reconstituer ce qui a été, pendant quelque temps, la République de l'Amérique centrale ; et je fais cette réserve expresse parce que cette union constitue le plus bel idéal du patriotisme dans cette région et qu'il ne doit subsister aucun doute sur le droit qu'elle a de se réaliser.

M. Pichon (*France*) fait la déclaration suivante relative aux deux amendements présentés par M. Léon Bourgeois :

Avant qu'il soit statué sur le pacte soumis aux délibérations de la Conférence, je demande, au nom de la Délégation française, à faire une déclaration qui se rapporte aux deux amendements développés tout à l'heure par M. Léon Bourgeois :

"Le Gouvernement de la République française exprime sa satisfaction de trouver, dans le projet de convention relatif à la Société des Nations, la consécration de l'effort qui a toujours été le sien depuis les Conférences de La Haye pour l'organisation du Droit et de la Paix,

Affirme sa confiance que la Société des Nations deviendra de plus en plus l'instrument nécessaire des relations entre les peuples,

Rappelle que, pour fortifier cet instrument, ses Délégués ont présenté, relativement au contrôle des armements et aux sanctions, deux amendements qui leur paraissent nécessaires,

Accepte, dans l'esprit de solidarité qui a présidé à la rédaction de la Convention le projet soumis à la Conférence, avec le ferme espoir que l'exercice du droit d'amendement, inséré à l'article 26, en permettra le renforcement."

Je voudrais en même temps faire une proposition qui se rapporte à l'Annexe n° 1, contenant la liste des États qui sont invités à accéder au Pacte.

M. Pichon ajoute :

La Délégation française demande l'inscription de la Principauté de Monaco dans la liste des États neutres qui seront appelés à accéder au Pacte de la Société des Nations.

<sup>(1)</sup> These were extracts from the speech of President Wilson of June 7, 1918, and are here omitted. For the speech see *War and Peace, the Public Papers of Woodrow Wilson* (1927) Vol. I, pp. 223-228.

Le Prince de Monaco a été l'une des serviteurs les plus fidèles et les plus dévoués de la cause que doit représenter et faire triompher la Société des Nations. Il a participé constamment aux œuvres internationales de l'arbitrage et de la paix. Ce ne serait que justice d'admettre l'adhésion et le concours de sa Principauté comme on l'a fait pour les autres États neutres qui ont été désignés.

S'il n'y a pas d'opposition, je demande qu'on ajoute à la liste de ces États la Principauté de Monaco.

Après un échange de vues entre M. Pichon et le Président, il est décidé de renvoyer la proposition au Conseil de la Société des Nations.

M. Affonso Costa (*Portugal*) présente les observations suivantes sur la proposition du Président des États-Unis tendant à compléter l'article 4 du Pacte par la désignation de quatre membres du Conseil :

J'ai été un peu surpris de voir présenter aujourd'hui, à l'heure où allaient commencer nos travaux, la proposition de M. le Président Wilson tendant à la nomination des quatre membres du Conseil exécutif de la Société des Nations.

Nous ne pouvons, dès maintenant, désigner aucun Représentant d'un pays neutre pour faire partie du Conseil exécutif de la Société des Nations, car l'article 4 du Pacte dit :

"Le Conseil exécutif se composera de Représentants des États-Unis d'Amérique, de l'Empire britannique, de la France, de l'Italie et du Japon ainsi que des Représentants de quatre autres États membres de la Société. La désignation de ces quatre États sera faite par l'Assemblée des Délégués suivant les principes et les conditions qu'elle jugera convenables. Jusqu'à cette désignation, les Représentants de.....et de.....seront membres du Conseil exécutif."

Si demain l'Assemblée de la Société des Nations ne peut élire pour le Conseil exécutif que des Membres de la Société des Nations, aujourd'hui, nous, Conférence de la Paix, nous ne pouvons également nommer que des Membres de la Société des Nations, et je demande à la Conférence si elle considère comme Membres de la Société des Nations les pays neutres que nous avons invités à y entrer. Je pense qu'on a fait une proposition prématurée et qu'aujourd'hui nous ne pouvons nommer que quatre Délégués qui appartiennent à la Conférence de la Paix, c'est-à-dire aux États belligérants alliés et associés, et non pas à des États qui ne sont pas encore Membres de la Société des Nations.

Si dans quelque temps, nous croyons pouvoir donner cette satisfaction à un des pays neutres qui sont seulement nos invités, mais qui seront demain nos partenaires, un des Représentants choisis aujourd'hui cédera sa place, ou alors on usera du droit que nous donne le deuxième alinéa de l'article 4 d'augmenter le nombre des Membres du Conseil exécutif.

C'est une question de compétence et, en ma qualité de Président de la Délégation portugaise et aussi comme professeur de

droit, je ne voudrais pas mettre mon nom et celui de la Délégation au bas d'une nomination que je considère en ce moment absolument illégitime.

La Délégation portugaise fait donc toutes ses réserves sur la désignation par la Conférence de la Paix de Représentants d'un pays neutre quelconque comme Membres du Conseil exécutif de la Société des Nations.

Ce sera pour plus tard ; aujourd'hui il est encore trop tôt.

M. Affonso Costa dépose en conséquence sur le Bureau la déclaration suivante :

"La Délégation portugaise fait toutes ses réserves contre la désignation par la Conférence de la Paix d'un représentant de n'importe quel pays neutre comme membre du Conseil exécutif de la Société des Nations."

Le Président donne acte à M. Affonso Costa de la réserve faite au nom de la Délégation portugaise.

The proposal made by the President of the United States for the adoption of the Covenant of the League of Nations, together with the amendments moved in the course of the session, is put to the vote and carried unanimously.

**Covenant Text in the Treaty of Versailles**

*[Paragraphs numbered pursuant to Assembly Resolution of  
September 21, 1926]*

**PACTE DE LA SOCIÉTÉ DES NATIONS.**

Les Hautes Parties Contractantes,

Considérant que, pour développer la coopération entre les nations et pour leur garantir la paix et la sûreté, il importe

d'accepter certaines obligations de ne pas recourir à la guerre,  
d'entretenir au grand jour des relations internationales fondées  
sur la justice et l'honneur,

d'observer rigoureusement les prescriptions du droit international,  
reconnues désormais comme règle de conduite effective des  
Gouvernements,

de faire régner la justice et de respecter scrupuleusement toutes  
les obligations des Traités dans les rapports mutuels des peuples organisés,

Adoptent le présent Pacte qui institue la Société des Nations.

**ARTICLE I.**

1. Sont Membres originaires de la Société des Nations, ceux des Signataires dont les noms figurent dans l'Annexe au présent Pacte, ainsi que les États, également nommés dans l'Annexe, qui auront accédé au présent Pacte sans aucune réserve par une déclaration déposée au Secrétariat dans les deux mois de l'entrée en vigueur du Pacte et dont notification sera faite aux autres Membres de la Société.

2. Tout État, Dominion ou Colonie qui se gouverne librement et qui n'est pas désigné dans l'Annexe, peut devenir Membre de la Société si son admission est prononcée par les deux tiers de l'Assemblée, pourvu qu'il donne des garanties effectives de son intention sincère d'observer ses engagements internationaux et qu'il accepte le règlement établi par la Société en ce qui concerne ses forces et ses armements militaires, navals et aériens.

3. Tout Membre de la Société peut, après un préavis de deux ans, se retirer de la Société, à la condition d'avoir rempli à ce moment toutes ses obligations internationales y compris celles du présent Pacte.

**ARTICLE 2.**

L'action de la Société, telle qu'elle est définie dans le présent Pacte, s'exerce par une Assemblée et par un Conseil assistés d'un Secrétariat permanent.

**Covenant Text in the Treaty of Versailles**

*[Paragraphs numbered pursuant to Assembly Resolution of  
September 21, 1926.]*

**THE COVENANT OF THE LEAGUE OF NATIONS.**

The High Contracting Parties,

In order to promote international co-operation and to achieve international peace and security

- by the acceptance of obligations not to resort to war,
- by the prescription of open, just and honourable relations between nations,
- by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and
- by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another,

Agree to this Covenant of the League of Nations.

**ARTICLE I.**

1. The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

2. Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

3. Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

**ARTICLE 2.**

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

## ARTICLE 3.

1. L'Assemblée se compose de Représentants des Membres de la Société.

2. Elle se réunit à époques fixées et à tout autre moment, si les circonstances le demandent, au siège de la Société ou en tel autre lieu qui pourra être désigné.

3. L'Assemblée connaît de toute question qui rentre dans la sphère d'activité de la Société ou qui affecte la paix du monde.

4. Chaque Membre de la Société ne peut compter plus de trois Représentants dans l'Assemblée et ne dispose que d'une voix.

## ARTICLE 4.

1. Le Conseil se compose de Représentants des Principales Puissances alliées et associées, ainsi que de Représentants de quatre autres Membres de la Société. Ces quatre Membres de la Société sont désignés librement par l'Assemblée et aux époques qu'il lui plaît de choisir. Jusqu'à la première désignation par l'Assemblée, les Représentants de la Belgique, du Brésil, de l'Espagne et de la Grèce sont membres du Conseil.

2. Avec l'approbation de la majorité de l'Assemblée, le Conseil peut désigner d'autres Membres de la Société dont la représentation sera désormais permanente au Conseil. Il peut, avec la même approbation, augmenter le nombre des Membres de la Société qui seront choisis par l'Assemblée pour être représentés au Conseil.

3. Le Conseil se réunit quand les circonstances le demandent, et au moins une fois par an, au siège de la Société ou en tel autre lieu qui pourra être désigné.

4. Le Conseil connaît de toute question rentrant dans la sphère d'activité de la Société ou affectant la paix du monde.

5. Tout Membre de la Société qui n'est pas représenté au Conseil est invité à y envoyer siéger un Représentant lorsqu'une question qui l'intéresse particulièrement est portée devant le Conseil.

6. Chaque Membre de la Société représenté au Conseil ne dispose que d'une voix et n'a qu'un Représentant.

## ARTICLE 5.

1. Sauf disposition expressément contraire du présent Pacte ou des clauses du présent Traité, les décisions de l'Assemblée ou du Conseil sont prises à l'unanimité des Membres de la Société représentés à la réunion.

## ARTICLE 3.

1. The Assembly shall consist of Representatives of the Members of the League.

2. The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League or at such other place as may be decided upon.

3. The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

4. At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives.

## ARTICLE 4.

1. The Council shall consist of Representatives of the Principal Allied and Associated Powers, together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain and Greece shall be members of the Council.

2. With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

3. The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

4. The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

5. Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

6. At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

## ARTICLE 5.

1. Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

2. Toutes questions de procédure qui se posent aux réunions de l'Assemblée ou du Conseil, y compris la désignation des Commissions chargées d'enquêter sur des points particuliers, sont réglées par l'Assemblée ou par le Conseil et décidées à la majorité des Membres de la Société représentés à la réunion.

3. La première réunion de l'Assemblée et la première réunion du Conseil auront lieu sur la convocation du Président des États-Unis d'Amérique.

#### ARTICLE 6.

1. Le Secrétariat Permanent est établi au siège de la Société. Il comprend un Secrétaire général, ainsi que les secrétaires et le personnel nécessaires.

2. Le premier Secrétaire général est désigné dans l'annexe. Par la suite, le Secrétaire général sera nommé par le Conseil avec l'approbation de la majorité de l'Assemblée.

3. Les secrétaires et le personnel du Secrétariat sont nommés par le Secrétaire général avec l'approbation du Conseil.

4. Le Secrétaire général de la Société est de droit Secrétaire général de l'Assemblée et du Conseil.

5. Les dépenses du Secrétariat sont supportées par les Membres de la Société dans la proportion établie pour le Bureau international de l'Union postale universelle.

#### ARTICLE 7.

1. Le Siège de la Société est établi à Genève.

2. Le Conseil peut à tout moment décider de l'établir en tout autre lieu.

3. Toutes les fonctions de la Société ou des services qui s'y rattachent, y compris le Secrétariat, sont également accessibles aux hommes et aux femmes.

4. Les Représentants des Membres de la Société et ses agents jouissent dans l'exercice de leurs fonctions des privilèges et immunités diplomatiques.

5. Les bâtiments et terrains occupés par la Société, par ses services ou ses réunions, sont inviolables.

#### ARTICLE 8.

1. Les Membres de la Société reconnaissent que le maintien de la paix exige la réduction des armements nationaux au minimum compatible avec la sécurité nationale et avec l'exécution des obligations internationales imposée par une action commune.

2. Le Conseil, tenant compte de la situation géographique et des conditions spéciales de chaque État, prépare les plans de cette réduction, en vue de l'examen et de la décision des divers Gouvernements.

2. All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

3. The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

#### ARTICLE 6.

1. The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary General and such secretaries and staff as may be required.

2. The first Secretary General shall be the person named in the Annex; thereafter the Secretary General shall be appointed by the Council with the approval of the majority of the Assembly.

3. The secretaries and staff of the Secretariat shall be appointed by the Secretary General with the approval of the Council.

4. The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council.

5. The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

#### ARTICLE 7.

1. The Seat of the League is established at Geneva.

2. The Council may at any time decide that the Seat of the League shall be established elsewhere.

3. All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

4. Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

5. The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

#### ARTICLE 8.

1. The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

2. The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

3. Ces plans doivent faire l'objet d'un nouvel examen et, s'il y a lieu, d'une revision tous les dix ans au moins.

4. Après leur adoption par les divers Gouvernements, la limite des armements ainsi fixée ne peut être dépassée sans le consentement du Conseil.

5. Considérant que la fabrication privée des munitions et du matériel de guerre soulève de graves objections, les Membres de la Société chargent le Conseil d'aviser aux mesures propres à en éviter les fâcheux effets, en tenant compte des besoins des Membres de la Société qui ne peuvent pas fabriquer les munitions et le matériel de guerre nécessaires à leur sûreté.

6. Les Membres de la Société s'engagent à échanger, de la manière la plus franche et la plus complète, tous renseignements, relatifs à l'échelle de leurs armements, à leurs programmes militaires, navals et aériens et à la condition de celles de leurs industries susceptibles d'être utilisées pour la guerre.

#### ARTICLE 9.

Une Commission permanente sera formée pour donner au Conseil son avis sur l'exécution des dispositions des articles 1 et 8 et, d'une façon générale, sur les questions militaires, navales et aériennes.

#### ARTICLE 10.

Les Membres de la Société s'engagent à respecter et à maintenir contre toute agression extérieure l'intégrité territoriale et l'indépendance politique présente de tous les Membres de la Société. En cas d'agression, de menace ou de danger d'agression, le Conseil avise aux moyens d'assurer l'exécution de cette obligation.

#### ARTICLE 11.

1. Il est expressément déclaré que toute guerre ou menace de guerre, qu'elle affecte directement ou non l'un des Membres de la Société, intéresse la Société tout entière et que celle-ci doit prendre les mesures propres à sauvegarder efficacement la paix des Nations. En pareil cas, le Secrétaire général convoque immédiatement le Conseil, à la demande de tout Membre de la Société.

2. Il est, en outre, déclaré que tout Membre de la Société a le droit, à titre amical, d'appeler l'attention de l'Assemblée ou du Conseil sur toute circonstance de nature à affecter les relations internationales et qui menace par suite de troubler la paix ou la bonne entente entre nations, dont la paix dépend.

3. Such plans shall be subject to reconsideration and revision at least every ten years.

4. After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

5. The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

6. The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to war-like purposes.

#### ARTICLE 9.

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally.

#### ARTICLE 10.

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

#### ARTICLE 11.

1. Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary General shall on the request of any Member of the League forthwith summon a meeting of the Council.

2. It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

## ARTICLE 12.

1. Tous les Membres de la Société conviennent que, s'il s'élève entre eux un différend susceptible d'entraîner une rupture, ils le soumettront soit à la procédure de l'arbitrage, soit à l'examen du Conseil. Ils conviennent encore qu'en aucun cas ils ne doivent recourir à la guerre avant l'expiration d'un délai de trois mois après la sentence des arbitres ou le rapport du Conseil.

2. Dans tous les cas prévus par cet article, la sentence des arbitres doit être rendue dans un délai raisonnable et le rapport du Conseil doit être établi dans les six mois à dater du jour où il aura été saisi du différend.

## ARTICLE 13.

1. Les Membres de la Société conviennent que s'il s'élève entre eux un différend susceptible, à leur avis, d'une solution arbitrale et si ce différend ne peut se régler de façon satisfaisante par la voie diplomatique, la question sera soumise intégralement à l'arbitrage.

2. Parmi ceux qui sont généralement susceptibles de solution arbitrale, on déclare tels les différends relatifs à l'interprétation d'un traité, à tout point de droit international, à la réalité de tout fait qui, s'il était établi, constituerait la rupture d'un engagement international, ou à l'étendue ou à la nature de la réparation due pour une telle rupture.

3. La Cour d'arbitrage à laquelle la cause est soumise est la Cour désignée par les Parties ou prévue dans leurs conventions antérieures.

4. Les Membres de la Société s'engagent à exécuter de bonne foi les sentences rendues et à ne pas recourir à la guerre contre tout Membre de la Société qui s'y conformera. Faute d'exécution de la sentence, le Conseil propose les mesures qui doivent en assurer l'effet.

## ARTICLE 14.

Le Conseil est chargé de préparer un projet de Cour permanente de justice internationale et de le soumettre aux Membres de la Société. Cette Cour connaîtra de tous différends d'un caractère international que les Parties lui soumettront. Elle donnera aussi des avis consultatifs sur tout différend ou tout point, dont la saisira le Conseil ou l'Assemblée.

## ARTICLE 15.

1. S'il s'élève entre les Membres de la Société un différend susceptible d'entraîner une rupture et si ce différend n'est pas soumis

## ARTICLE 12.

1. The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

2. In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

## ARTICLE 13.

1. The Members of the League agree that whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration.

2. Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

3. For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

4. The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

## ARTICLE 14.

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

## ARTICLE 15.

1. If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbi-

à l'arbitrage prévu à l'article 13, les Membres de la Société conviennent de le porter devant le Conseil. A cet effet, il suffit que l'un d'eux avise de ce différend le Secrétaire général, qui prend toutes dispositions en vue d'une enquête et d'un examen complets.

2. Dans le plus bref délai, les Parties doivent lui communiquer l'exposé de leur cause avec tous faits pertinents et pièces justificatives. Le Conseil peut en ordonner la publication immédiate.

3. Le Conseil s'efforce d'assurer le règlement du différend. S'il y réussit, il publie, dans la mesure qu'il juge utile, un exposé relatant les faits, les explications qu'ils comportent et les termes de ce règlement.

4. Si le différend n'a pu se régler, le Conseil rédige et publie un rapport, voté soit à l'unanimité, soit à la majorité des voix, pour faire connaître les circonstances du différend et les solutions qu'il recommande comme les plus équitables et les mieux appropriées à l'espèce.

5. Tout Membre de la Société représenté au Conseil peut également publier un exposé des faits du différend et ses propres conclusions.

6. Si le rapport du Conseil est accepté à l'unanimité, le vote des Représentants des Parties ne comptant pas dans le calcul de cette unanimité, les Membres de la Société s'engagent à ne recourir à la guerre contre aucune Partie qui se conforme aux conclusions du rapport.

7. Dans le cas où le Conseil ne réussit pas à faire accepter son rapport par tous ses Membres autres que les Représentants de toute Partie au différend, les Membres de la Société se réservent le droit d'agir comme ils le jugeront nécessaire pour le maintien du droit et de la justice.

8. Si l'une des Parties prétend et si le Conseil reconnaît que le différend porte sur une question que le droit international laisse à la compétence exclusive de cette Partie, le Conseil le constatera dans un rapport, mais sans recommander aucune solution.

9. Le Conseil peut, dans tous les cas prévus au présent article, porter le différend devant l'Assemblée. L'Assemblée devra de même être saisie du différend à la requête de l'une des Parties; cette requête devra être présentée dans les quatorze jours à dater du moment où le différend est porté devant le Conseil.

10. Dans toute affaire soumise à l'Assemblée, les dispositions du présent article et de l'article 12 relatives à l'action et aux pouvoirs du Conseil, s'appliquent également à l'action et aux pouvoirs de l'Assemblée. Il est entendu qu'un rapport fait par l'Assemblée avec l'approbation des Représentants des Membres de la Société repré-

tration in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof.

2. For this purpose the parties to the dispute will communicate to the Secretary General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

3. The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

4. If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

5. Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

6. If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

7. If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

8. If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

9. The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

10. In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on

sentés au Conseil et d'une majorité des autres Membres de la Société, à l'exclusion, dans chaque cas, des Représentants des Parties, a le même effet qu'un rapport du Conseil adopté à l'unanimité de ses membres autres que les Représentants des Parties.

#### ARTICLE 16.

1. Si un Membre de la Société recourt à la guerre, contrairement aux engagements pris aux articles 12, 13 ou 15, il est *ipso facto* considéré comme ayant commis un acte de guerre contre tous les autres Membres de la Société. Ceux-ci s'engagent à rompre immédiatement avec lui toutes relations commerciales ou financières, à interdire tous rapports entre leurs nationaux et ceux de l'État en rupture de pacte et à faire cesser toutes communications financières, commerciales ou personnelles entre les nationaux de cet État et ceux de tout autre État, Membre ou non de la Société.

2. En ce cas, le Conseil a le devoir de recommander aux divers Gouvernements intéressés les effectifs militaires, navals ou aériens par lesquels les Membres de la Société contribueront respectivement aux forces armées destinées à faire respecter les engagements de la Société.

3. Les Membres de la Société conviennent, en outre, de se prêter l'une à l'autre un mutuel appui dans l'application des mesures économiques et financières à prendre en vertu du présent article pour réduire au minimum les pertes et les inconvénients qui peuvent en résulter. Ils se prêtent également un mutuel appui pour résister à toute mesure spéciale dirigée contre l'un d'eux par l'État en rupture de pacte. Ils prennent les dispositions nécessaires pour faciliter le passage à travers leur territoire des forces de tout Membre de la Société qui participe à une action commune pour faire respecter les engagements de la Société.

4. Peut être exclu de la Société tout Membre qui s'est rendu coupable de la violation d'un des engagements résultant du Pacte. L'exclusion est prononcée par le vote de tous les autres Membres de la Société représentés au Conseil.

#### ARTICLE 17.

1. En cas de différend entre deux États, dont un seulement est Membre de la Société ou dont aucun n'en fait partie, l'État ou les États étrangers à la Société sont invités à se soumettre aux obligations qui s'imposent à ses Membres aux fins de règlement du différend, aux conditions estimées justes par le Conseil. Si cette invitation est acceptée, les dispositions des articles 12 à 16 s'appliquent sous réserve des modifications jugées nécessaires par le Conseil.

the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

#### ARTICLE 16.

1. Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the Covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

2. It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

3. The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

4. Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

#### ARTICLE 17.

1. In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

2. Dès l'envoi de cette invitation, le Conseil ouvre une enquête sur les circonstances du différend et propose telle mesure qui lui paraît la meilleure et la plus efficace dans le cas particulier.

3. Si l'État invité, refusant d'accepter les obligations de Membre de la Société aux fins de règlement du différend, recourt à la guerre contre un Membre de la Société, les dispositions de l'article 16 lui sont applicables.

4. Si les deux Parties invitées refusent d'accepter les obligations de Membre de la Société aux fins de règlement du différend, le Conseil peut prendre toutes mesures et faire toutes propositions de nature à prévenir les hostilités et à amener la solution du conflit.

#### ARTICLE 18.

Tout traité ou engagement international conclu à l'avenir par un Membre de la Société devra être immédiatement enregistré par le Secrétariat et publié par lui aussitôt que possible. Aucun de ces traités ou engagements internationaux ne sera obligatoire avant d'avoir été enregistré.

#### ARTICLE 19.

L'Assemblée peut, de temps à autre, inviter les Membres de la Société à procéder à un nouvel examen des traités devenus inapplicables ainsi que des situations internationales, dont le maintien pourrait mettre en péril la paix du monde.

#### ARTICLE 20.

1. Les Membres de la Société reconnaissent, chacun en ce qui le concerne, que le présent Pacte abroge toutes obligations ou ententes *inter se* incompatibles avec ses termes et s'engagent solennellement à n'en pas contracter à l'avenir de semblables.

2. Si avant son entrée dans la Société, un Membre a assumé des obligations incompatibles avec les termes du Pacte, il doit prendre des mesures immédiates pour se dégager de ces obligations.

#### ARTICLE 21.

Les engagements internationaux, tels que les traités d'arbitrage, et les ententes régionales, comme la doctrine de Monroe, qui assurent le maintien de la paix, ne sont considérés comme incompatibles avec aucune des dispositions du présent Pacte.

2. Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

3. If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

4. If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

#### ARTICLE 18.

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

#### ARTICLE 19.

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

#### ARTICLE 20.

1. The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

2. In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

#### ARTICLE 21.

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

## ARTICLE 22.

1. Les principes suivants s'appliquent aux colonies et territoires qui, à la suite de la guerre, ont cessé d'être sous la souveraineté des États qui les gouvernaient précédemment et qui sont habités par des peuples non encore capables de se diriger eux-mêmes dans les conditions particulièrement difficiles du monde moderne. Le bien-être et le développement de ces peuples forment une mission sacrée de civilisation, et il convient d'incorporer dans le présent Pacte des garanties pour l'accomplissement de cette mission.

2. La meilleure méthode de réaliser pratiquement ce principe est de confier la tutelle de ces peuples aux nations développées qui, en raison de leurs ressources, de leur expérience ou de leur position géographique, sont le mieux à même d'assumer cette responsabilité et qui consentent à l'accepter: elles exerceraient cette tutelle en qualité de Mandataires et au nom de la Société.

3. Le caractère du mandat doit différer suivant le degré de développement du peuple, la situation géographique du territoire, ses conditions économiques et toutes autres circonstances analogues.

4. Certaines communautés, qui appartenaient autrefois à l'Empire ottoman, ont atteint un degré de développement tel que leur existence comme nations indépendantes peut être reconnue provisoirement, à la condition que les conseils et l'aide d'un Mandataire guident leur administration jusqu'au moment où elles seront capables de se conduire seules. Les vœux de ces communautés doivent être pris d'abord en considération pour le choix du Mandataire.

5. Le degré de développement où se trouvent d'autres peuples, spécialement ceux de l'Afrique centrale, exige que le Mandataire y assume l'administration du territoire à des conditions qui, avec la prohibition d'abus, tels que la traite des esclaves, le trafic des armes et celui de l'alcool, garantiront la liberté de conscience et de religion, sans autres limitations que celles que peut imposer le maintien de l'ordre public et des bonnes mœurs, et l'interdiction d'établir des fortifications ou des bases militaires ou navales et de donner aux indigènes une instruction militaire, si ce n'est pour la police ou la défense du territoire et qui assureront également aux autres Membres de la Société des conditions d'égalité pour les échanges et le commerce.

6. Enfin il y a des territoires, tels que le Sud-Ouest africain et certaines îles du Pacifique austral, qui, par suite de la faible densité de leur population, de leur superficie restreinte, de leur éloignement des centres de civilisation, de leur contiguïté géographique au territoire du Mandataire, ou d'autres circonstances, ne sauraient être mieux administrés que sous les lois du Mandataire, comme une partie intégrante de son territoire, sous réserve des garanties prévues plus haut dans l'intérêt de la population indigène.

## ARTICLE 22.

1. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

2. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

3. The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

4. Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

5. Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

6. There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

7. Dans tous les cas le Mandataire doit envoyer au Conseil un rapport annuel concernant les territoires dont il a la charge.

8. Si le degré d'autorité, de contrôle ou d'administration à exercer par le Mandataire n'a pas fait l'objet d'une convention antérieure entre les Membres de la Société, il sera expressément statué sur ces points par le Conseil.

9. Une Commission permanente sera chargée de recevoir et d'examiner les rapports annuels des Mandataires et de donner au Conseil son avis sur toutes questions relatives à l'exécution des mandats.

#### ARTICLE 23.

Sous la réserve, et en conformité des dispositions des conventions internationales actuellement existantes ou qui seront ultérieurement conclues, les Membres de la Société :

- a) s'efforceront d'assurer et de maintenir des conditions de travail équitables et humaines pour l'homme, la femme et l'enfant sur leurs propres territoires, ainsi que dans tous pays auxquels s'étendent leurs relations de commerce et d'industrie, et, dans ce but, détablir et d'entretenir les organisations internationales nécessaires ;
- b) s'engagent à assurer le traitement équitable des populations indigènes dans les territoires soumis à leur administration ;
- c) chargent la Société du contrôle général des accords relatifs à la traite des femmes et des enfants, du trafic de l'opium et autres drogues nuisibles ;
- d) chargent la Société du contrôle général du commerce des armes et des munitions avec les pays où le contrôle de ce commerce est indispensable à l'intérêt commun ;
- e) prendront les dispositions nécessaires pour assurer la garantie et le maintien de la liberté des communications et du transit, ainsi qu'un équitable traitement du commerce de tous les Membres de la Société, étant entendu que les nécessités spéciales des régions dévastées pendant la guerre de 1914-1918 devront être prises en considération ;
- f) s'efforceront de prendre des mesures d'ordre international pour prévenir et combattre les maladies.

#### ARTICLE 24.

1. Tous les bureaux internationaux antérieurement établis par traités collectifs seront, sous réserve de l'assentiment des Parties, placés sous l'autorité de la Société. Tous autres bureaux internationaux et toutes commissions pour le règlement des affaires d'intérêt international qui seront créés ultérieurement seront placés sous l'autorité de la Société.

7. In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

8. The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

9. A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

#### ARTICLE 23.

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

- (a) will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations;
- (b) undertake to secure just treatment of the native inhabitants of territories under their control;
- (c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;
- (d) Will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;
- (e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;
- (f) will endeavour to take steps in matters of international concern for the prevention and control of disease.

#### ARTICLE 24.

1. There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

2. Pour toutes questions d'intérêt international réglées par des conventions générales, mais non soumises au contrôle de commissions ou de bureaux internationaux, le Secrétariat de la Société devra, si les Parties le demandent et si le Conseil y consent, réunir et distribuer toutes informations utiles et prêter toute l'assistance nécessaire ou désirable.

3. Le Conseil peut décider de faire rentrer dans les dépenses du Secrétariat celles de tout bureau ou commission placé sous l'autorité de la Société.

#### ARTICLE 25.

Les Membres de la Société s'engagent à encourager et favoriser l'établissement et la coopération des organisations volontaires nationales de la Croix-Rouge, dûment autorisées, qui ont pour objet l'amélioration de la santé, la défense préventive contre la maladie et l'adoucissement de la souffrance dans le monde.

#### ARTICLE 26.

1. Les amendements au présent Pacte entreront en vigueur dès leur ratification par les Membres de la Société, dont les Représentants composent le Conseil, et par la majorité de ceux dont les Représentants forment l'Assemblée.

2. Tout Membre de la Société est libre de ne pas accepter les amendements apportés au Pacte, auquel cas il cesse de faire partie de la Société.

#### ANNEXE.

##### I. MEMBRES ORIGINAIRES DE LA SOCIÉTÉ DES NATIONS SIGNATAIRES DU TRAITÉ DE PAIX.

|                        |                            |
|------------------------|----------------------------|
| États-Unis d'Amérique. | Haïti.                     |
| Belgique.              | Hedjaz.                    |
| Bolivie.               | Honduras.                  |
| Brésil.                | Italie.                    |
| Empire Britannique.    | Japon.                     |
| Canada.                | Libéria.                   |
| Australie.             | Nicaragua.                 |
| Afrique du Sud.        | Panama.                    |
| Nouvelle-Zélande.      | Pérou.                     |
| Inde.                  | Pologne.                   |
| Chine.                 | Portugal.                  |
| Cuba.                  | Roumanie.                  |
| Equateur.              | État Serbe-Croate-Slovène. |
| France.                | Siam.                      |
| Grèce.                 | Tchéco-Slovaquie.          |
| Guatemala.             | Uruguay.                   |

2. In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

3. The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

#### ARTICLE 25.

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

#### ARTICLE 26.

1. Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

2. No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

#### ANNEX.

##### I. ORIGINAL MEMBERS OF THE LEAGUE OF NATIONS SIGNATORIES OF THE TREATY OF PEACE.

|                           |                           |
|---------------------------|---------------------------|
| United States of America. | Haiti.                    |
| Belgium.                  | Hedjaz.                   |
| Bolivia.                  | Honduras.                 |
| Brazil.                   | Italy.                    |
| British Empire.           | Japan.                    |
| Canada.                   | Liberia.                  |
| Australia.                | Nicaragua.                |
| South Africa.             | Panama.                   |
| New Zealand.              | Peru.                     |
| India.                    | Poland.                   |
| China.                    | Portugal.                 |
| Cuba.                     | Roumania.                 |
| Ecuador.                  | Serb-Croat-Slovene State. |
| France.                   | Siam.                     |
| Greece.                   | Czecho-Slovakia.          |
| Guatemala.                | Uruguay.                  |

## ÉTATS INVITÉS À ACCÉDER AU PACTE.

Argentine.  
Chili.  
Colombie.  
Danemark.  
Espagne.  
Norvège.  
Paraguay.

Pays-Bas.  
Perse.  
Salvador.  
Suède.  
Suisse.  
Vénézuéla.

## II. PREMIER SECRÉTAIRE GÉNÉRAL DE LA SOCIÉTÉ DES NATIONS.

L'Honorable Sir James Eric Drummond, K.C.M.G., C.B.

## STATES INVITED TO ACCEDE TO THE COVENANT.

Argentine Republic.  
Chili.  
Colombia.  
Denmark.  
Netherlands.  
Norway.  
Paraguay.

Persia.  
Salvador.  
Spain.  
Sweden.  
Switzerland.  
Venezuela.

## II. FIRST SECRETARY GENERAL OF THE LEAGUE OF NATIONS.

The Honourable Sir James Eric Drummond, K.C.M.G., C.B.

**German Draft**

VORSCHLÄGE DER DEUTSCHEN REGIERUNG FÜR DIE  
ERRICHTUNG EINES VÖLKERBUNDES.

I. GRUNDLAGEN.

1. Der Völkerbund soll durch obligatorische Schlichtung internationaler Streitigkeiten unter Verzicht auf Waffengewalt den dauernden Frieden zwischen seinen Mitgliedern auf die sittliche Macht des Rechtes gründen und als internationale Arbeitsgemeinschaft dem geistigen und materiellen Fortschritt der Menschheit dienen.

Er wird auf ewige Zeiten geschlossen und bildet eine Einheit zur gemeinsamen Verteidigung nach aussen.

Die Mitglieder gewährleisten einander ihren territorialen Besitz und enthalten sich gegenseitig der Einmischung in innerpolitische Angelegenheiten.

2. Besondere Zwecke des Völkerbundes sind:

- a) die Verhütung internationaler Streitigkeiten;
- b) Abrüstung;
- c) die Sicherung der Verkehrsfreiheit und der allgemeinen wirtschaftlichen Gleichberechtigung;
- d) der Schutz der nationalen Minderheiten;
- e) die Schaffung eines internationalen Arbeiterrechts;
- f) die Regelung des Kolonialwesens;
- g) die Zusammenfassung bestehender und künftiger internationaler Einrichtungen;
- h) die Schaffung eines Weltparlaments.

3. Der Völkerbund umfasst:

- a) alle kriegführenden Staaten einschliesslich der während des Krieges neu entstandenen;
- b) alle neutralen Staaten, die dem Haager Weltschiedsverband angeschlossen waren;
- c) alle anderen, wenn sie von zwei Dritteln der bereits vorhandenen Bundesmitglieder zugelassen werden.

Dem Päpstlichen Stuhl bleibt der Eintritt in den Völkerbund vorbehalten.

4. Die Mitglieder verpflichten sich, keinen dem Zwecke des Bundes widersprechenden Sondervertrag abzuschliessen, auch kein

**German Draft**

PROPOSALS OF THE GERMAN GOVERNMENT FOR  
THE ESTABLISHMENT OF A LEAGUE OF NATIONS

I. FOUNDATION PRINCIPLES.

1. The League of Nations is constituted for the purpose of founding a permanent peace between its members by obligatory settlement of international differences. It is to be based upon the moral power of right and shall serve as an international community working for the intellectual and material advancement of mankind.

It is to be established for all time and shall form a unity for the purpose of a common defence against all opposing powers from without.

The members guarantee to each other their respective territorial possessions and shall mutually refrain from interfering with the internal political affairs.

2. Especial aims of the League of Nations shall be:

- a)* the prevention of international disputes;
- b)* disarmament;
- c)* securing the freedom of traffic and of the general economic equality of rights;
- d)* the protection of national minorities;
- e)* the creation of an international Workers' Charter;
- f)* the regulation of the colonial question;
- g)* the uniting of existing and future international institutions;
- h)* the creation of an International Parliament.

3. The League of Nations shall comprise:

- a)* all belligerent states inclusive of those arising during the war;
- b)* all neutral states, which were included in the Hague World Arbitration League;
- c)* all others if they are admitted by two-thirds of the already existing members.

The entrance into the League of Nations is held in reserve to the Holy See.

4. The members shall pledge themselves to conclude no separate treaty contrary to the aims of the League, nor to enter into any

Geheimabkommen irgendwelcher Art zu treffen. Bestehende Verträge solcher Art sind aufzuheben.

Geheime Verträge sind nichtig.

## II. VERFASSUNG.

5. Die Organe des Völkerbundes sind:

- a) der Staatenkongress;
- b) das Weltparlament;
- c) der ständige internationale Gerichtshof;
- d) das internationale Vermittlungsamt;
- e) die internationalen Verwaltungssämer;
- f) die Kanzlei.

### A. DER STAATENKONGRESS.

6. Der Staatenkongress ist die Versammlung der Vertreter der Völkerbundstaaten. Jeder Staat hat einen bis drei Vertreter; die Vertreter können nur einheitlich abstimmen.

7. Der Kongress tritt mindestens jedes dritte Jahr zusammen.

8. Der Kongress führt die Geschäfte des Völkerbundes, soweit sie nicht anderen Organen übertragen sind; er wählt bei seinem ersten Zusammentritt einen ständigen Ausschuss, der in der Zwischenzeit die Geschäftsführung besorgt.

9. Die Beschlüsse des Kongresses werden, soweit der Vertrag nichts anderes bestimmt, mit einer Mehrheit von zwei Dritteln der vertretenen Staaten gefasst. Im übrigen regelt der Kongress seine Geschäftsordnung selbst.

### B. DAS WELTPARLAMENT.

10. Das erste Weltparlament setzt sich zusammen aus Vertretern der einzelnen Parlamente der Völkerbundstaaten. Jedes einzelne Parlament wählt für je eine Million der Bewohner seines Staates einen Vertreter; doch darf kein Parlament mehr als zehn Vertreter entsenden.

11. Über die spätere Zusammensetzung des Weltparlaments entscheidet das Weltparlament unter Zustimmung des Staatenkongresses.

12. Die Zustimmung des Weltparlaments ist erforderlich für

- a) die Änderung der Bundesverfassung;
- b) die Aufstellung allgemein gültiger internationaler Rechtsnormen;
- c) die Einsetzung neuer Bundesbehörden;
- d) die Feststellung des Bundeshaushalts.

secret agreement of any kind whatsoever. Existing treaties of such a kind shall be annulled.

Secret treaties shall be null and void.

## II. CONSTITUTION.

5. The official bodies of the League of Nations shall be:

- a) the Congress of States;
- b) the International Parliament;
- c) the Permanent International Tribunal;
- d) the International Mediation Office;
- e) the International Administrative Bureaux;
- f) the Chancery.

### A. THE CONGRESS OF STATES.

6. The Congress of States is the assembly of the representatives of the states belonging to the League of Nations. Each state shall have from one to three representatives; the representatives of any state however shall only vote as a unit.

7. The congress shall meet at least once every three years.

8. The congress shall carry on the business of the League of Nations so far as it is not transferred to other official bodies; it shall elect at its first meeting a permanent committee, which is to take charge of the business in the intervals.

9. The resolutions of the congress, so far as the treaty does not determine otherwise, shall be passed by a majority of two-thirds of the States represented, for the rest the congress regulates for itself its own order of business.

### B. THE INTERNATIONAL PARLIAMENT.

10. The first International Parliament shall be composed of representatives of the respective parliaments of the states in the League of Nations. Each single parliament shall elect for every million of inhabitants of its state one representative; but no parliament shall send more than ten representatives.

11. The International Parliament with consent of the Congress of States shall decide on the later composition of the International Parliament.

12. The consent of the International Parliament shall be required for:

- a) changes in the constitution of the League;
- b) The laying down of generally valid international legal principles;
- c) the appointment of new bodies of the League;
- d) the establishing of the budget of the League.

In diesen Angelegenheiten besitzt das Weltparlament zugleich die Initiative.

13. Das Weltparlament tritt gleichzeitig mit dem Staatenkongress zusammen. Im übrigen regelt es seine Geschäftsordnung selbst.

#### C. DER STÄNDIGE INTERNATIONALE GERICHTSHOF.

14. Der internationale Gerichtshof wird vom Staatenkongress auf die Dauer von 9 Jahren wie folgt gewählt:

Jeder Staat schlägt mindestens eine und höchstens vier Personen vor, die geeignet und bereit sind, das Richteramt zu übernehmen.

Mindestens einer der Vorgeschlagenen soll nicht Angehöriger des vorschlagenden Staates sein.

Aus der Gesamtliste der Vorgeschlagenen bezeichnet jeder Staat 15 Personen; die 15 Personen, die die meisten Stimmen auf sich vereinigen, sind zu Richtern gewählt.

Beim Ausscheiden von Richtern treten die Personen an ihre Stelle, die nach den 15 Gewählten die meisten Stimmen erhalten haben, und zwar in der Reihenfolge ihrer Stimmenzahl.

15. Der Gerichtshof trifft seine Entscheidungen in der Besetzung von 3 Mitgliedern, von denen jede Partei eines wählt. Den Vorsitzenden bestimmt, falls sich die Parteien nicht über ihn einigen, der Gerichtshof in seiner vollen Besetzung.

#### D. DAS INTERNATIONALE VERMITTLUNGSAMT.

16. Für das internationale Vermittlungsamt ernennt jeder Staat 4 Wahlmänner seines Vertrauens. Die Wahlmänner treten zu einer Tagung zusammen und wählen mit Stimmenmehrheit die 15 Mitglieder des Vermittlungsamts sowie 10 Ersatzmänner, deren Reihenfolge bei der Wahl zu bestimmen ist.

17. Das Vermittlungsamt fasst seine Beschlüsse in der Besetzung von 5 Mitgliedern, von denen jede Partei zwei wählt. Den Vorsitzenden bestimmt, falls sich die Parteien nicht über ihn einigen, das Vermittlungsamt in seiner vollen Besetzung.

18. Die Mitglieder des Vermittlungsamts dürfen weder in einem aktiven Dienstverhältnis zu ihrem Heimatsstaat stehen, noch gleichzeitig Mitglieder einer anderen Behörde des Völkerbundes sein.

Sie nehmen ihren Aufenthalt am Sitze des Völkerbundes.

#### E. DIE INTERNATIONALEN VERWALTUNGSÄMTER.

19. Der Völkerbund wird alle Bestrebungen für die Zusammenfassung der gemeinsamen Interessen der Völker fördern und auf die

In these matters the International Parliament shall at the same time have the initiative.

13. The International Parliament shall meet at the same time as the Congress of States. For the rest it shall regulate for itself its own method of business.

#### C. THE PERMANENT INTERNATIONAL TRIBUNAL.

14. The Permanent International Tribunal shall be elected by the Congress of States for the period of nine years, as follows:

Each state shall propose at least one and at the most four persons who are suitable for and ready to accept the office of a judge.

At least one of the persons proposed must not be of the nationality of the state which proposes his election.

From the total list of the proposed each state shall nominate fifteen persons; the fifteen persons who receive the most votes shall be elected as judges.

Upon the retirement of judges, their places shall be taken by those persons who have received the most votes after the fifteen who had been elected, and this in the order of the number of votes obtained.

15. The Tribunal shall give its decisions through the representation of three members of whom each party shall choose one. The Tribunal represented by all its members shall appoint the President in case the parties do not agree upon his nomination.

#### D. THE INTERNATIONAL MEDIATION OFFICE.

16. Each state shall appoint for the International Mediation Office four electors who possess its confidence. The electors shall meet in a session and elect by majority vote fifteen members of the Mediation Office as well as ten substitutes, whose order of succession shall be determined at the election.

17. The Mediation Office shall give its decisions through the representation of five members, of whom each party shall choose two. The President is to be appointed, in case the parties do not agree upon his election, by the Mediation Office sitting in full session.

18. The members of the Mediation Office shall neither stand in a relation of active service to their home country nor be at same time members of another official body of the League of Nations.

They have to reside at the seat of the League of Nations.

#### E. THE INTERNATIONAL ADMINISTRATIVE BUREAUX.

19. The League of Nations shall further all efforts for the uniting of the common interests of the nations and shall work for the

Weiterbildung der bestehenden und die Schaffung neuer internationalen Einrichtungen hinwirken. Dies gilt besonders für die Gebiete des Rechtes, der Wirtschaft und des Finanzwesens.

20. Die bestehenden Unionen werden dem Völkerbunde nach Möglichkeit angegliedert.

21. Alle internationalen Bureaus, die früher durch Kollektivverträge eingeführt worden sind, werden, wenn die Vertragsparteien zustimmen, unter die Aufsicht des Bundes gestellt.

22. Alle internationalen Bureaus, die künftig gebildet werden, stehen unter der Aufsicht des Bundes.

#### F. DIE BUNDESKANZLEI.

23. Die Beamten der Kanzlei werden von dem ständigen Ausschuss des Staatenkongresses ernannt und stehen unter seiner Aufsicht.

24. Die Kanzlei bildet das gemeinsame Bureau der Organe des Völkerbundes. Ihre Geschäftsordnung wird von dem ständigen Ausschuss des Staatenkongresses bestimmt.

25. Die Kanzlei veröffentlicht alle Beschlüsse und Kundgebungen der Organe des Völkerbundes in ihrem amtlichen Publikationsorgan. Die Mitglieder des Völkerbundes verpflichten sich, die Beschlüsse und Kundgebungen des Staatenkongresses und des internationalen Vermittlungsamts in ihren amtlichen Publikationsorganen im Originaltext und in der Landessprache zu veröffentlichen und ihren gesetzgebenden Körperschaften vorzulegen.

26. Die Mitglieder des Völkerbundes verpflichten sich, alle von ihnen abgeschlossenen internationalen Verträge der Kanzlei zur Veröffentlichung im Publikationsorgan des Völkerbundes einzureichen.

#### G. STELLUNG DER BUNDESBEAMTEN.

27. Alle Mitglieder der internationalen Behörden und des Weltparlaments mit Ausnahme derjenigen, die dem Aufenthaltsstaate selbst angehören, genießen dort die diplomatischen Vorrechte und Befreiungen.

28. Die Mitglieder des Weltparlaments genießen in dem Staate, dem sie angehören, dieselben Rechte wie Parlamentsmitglieder dieses Staates.

### III. FRIEDLICHE SCHLICHTUNG INTERNATIONALER STREITIGKEITEN.

29. Alle zwischenstaatlichen Streitigkeiten, die auf diplomatischem Wege nicht haben erledigt werden können und für die nicht eine besondere Schiedsgerichtsbarkeit vereinbart wird, müssen entweder durch den ständigen internationalen Gerichtshof ausgetragen oder durch das internationale Vermittlungsamt geregelt werden.

further development of already existing, and the creation of new international institutions. This applies especially to the domains of law, economics and finance.

20. The existing unions shall be joined to the League of Nations as far as possible.

21. All international bureaux which have been established previously by collective treaties shall, if the contracting parties are willing, be subject to the control of the League.

22. All international bureaux which may be established in future shall be subject to the supervision of the League.

#### F. THE CHANCERY OF THE LEAGUE.

23. The officials of the Chancery shall be appointed by the Permanent Committee of the Congress of States and are placed under its supervision.

24. The Chancery shall form the common bureau of the official bodies of the League of Nations. Its business order shall be decided upon by the Permanent Committee of the Congress of States.

25. The Chancery shall publish in its official organ all resolutions and communications of the official bodies of the League of Nations. The members of the League of Nations shall be obliged to publish in their official organs in the original text and in the language of the country, the resolutions and communications of the Congress of States and of the International Mediation Bureau, and to submit them to their legislative bodies.

26. The members of the League of Nations shall bind themselves to hand over all international treaties, concluded by them, to the Chancery for publication in the organ of the League of Nations.

#### G. POSITION OF THE OFFICIALS OF THE LEAGUE.

27. All members of the body of international authorities and of the International Parliament with the exception of those who themselves belong to the state where they reside, shall enjoy there the privileges and immunities of diplomats.

28. Members of the International Parliament shall enjoy in the state to which they belong the same rights as the members of parliament of this state.

### III. PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES.

29. All difficulties between states which could not be settled by diplomacy, and for which a special mode of arbitration has not been agreed upon, shall either be settled by the Permanent International Tribunal or by the International Mediation Bureau.

30. Das regelmässige Organ für die Entscheidung von zwischenstaatlichen Rechtsstreitigkeiten ist der internationale Gerichtshof. Jedes Mitglied des Völkerbundes hat hier ein Recht zur Klage, auf die sich der Gegner einlassen muss. Die Entscheidungen ergehen im Namen des Völkerbundes.

Das Gleiche gilt für das Verfahren vor dem Vermittlungsamt.

31. Der internationale Gerichtshof ist ausser für Streitigkeiten der Staaten zuständig:

- a) für Klagen Privater gegen auswärtige Staaten und Staatsoberhäupter, wenn die Staatsgerichte sich für unzuständig erklärt haben;
- b) für Streitigkeiten zwischen Angehörigen verschiedener Gliedstaaten des Völkerbundes, soweit die Auslegung von Staatsverträgen den Gegenstand des Streites bildet.

32. Den beteiligten Staaten bleibt vorbehalten, für einzelne Streitfälle oder bestimmte Arten von Streitfällen Schiedsverträge abzuschliessen. Diese Befugnis steht ihnen jedoch nicht zu, soweit es sich um die Auslegung allgemeiner geschriebener Normen des internationalen Rechtes oder um die Auslegung der Satzung des Völkerbundes handelt.

33. Erhebt in einem Staatenkonflikt vor dem internationalen Gerichtshof der Beklagte den Einwand, dass es sich um einen reinen Interessenkonflikt oder um einen Rechtsfall von überwiegend politischer Bedeutung handle, so hat der Gerichtshof über diesen Einwand vorab zu entscheiden. Findet er ihn begründet, so verweist er den Konflikt vor das Vermittlungsamt zur Regelung.

Ist der Konflikt vor dem Vermittlungsamt anhängig gemacht und wirt dort der Einwand erhoben, dass es sich um eine reine Rechtsfrage handelt, so übergibt das Vermittlungsamt den Fall zunächst dem internationalen Gerichtshof, der darüber entscheidet, ob der Konflikt an das Vermittlungsamt zurückverwiesen wird oder bei dem Gerichtshof anhängig bleibt.

34. Der Gerichtshof entwirft auf der Grundlage des Haager Abkommens über die friedliche Erledigung internationaler Streitigkeiten vom 18. Oktober 1907 eine Verfahrensordnung; diese bedarf zu ihrer Wirksamkeit der Zustimmung des Staatenkongresses.

Das Verfahren vor dem Vermittlungsamt wird von diesem selbst bestimmt.

Sowohl der Gerichtshof als das Vermittlungsamt sind befugt, das Streitverhältnis für die Dauer des Verfahrens durch eine vorläufige Verfügung zu regeln.

35. Die Entscheidung des Gerichtshofs erfolgt nach den internationalen Vereinbarungen, dem völkerrechtlichen Gewohnheitsrecht und nach den allgemeinen Grundsätzen von Recht und Billigkeit.

36. Die Entscheidung des Gerichtshofs oder des Vermittlungs-

30. The International Tribunal shall be the regular official body for the decision of legal disputes between states. Every member of the League of Nations shall have the right to bring here a complaint which must be answered by the opposite party. The decisions are issued in the name of the League of Nations.

The same shall apply to the proceedings before the Mediation Office.

31. Besides the jurisdiction over disputes between states, the International Tribunal shall be entitled to decide on:

- a) complaints of private persons against foreign states and heads of states, when the State Tribunals have declared their incompetency.
- b) disputes between subjects of different states which are members of the League of Nations, so far as the interpretation of state treaties form the object of the dispute.

32. The states concerned reserve to themselves the right of concluding arbitration treaties for single cases of dispute or for certain kinds of controversies. This right, however, shall not be granted to them when the interpretation of general written rules of international law, or the interpretation of the ordinances of the League of Nations are concerned.

33. If the defendant in a conflict raises the objection before the International Tribunal that the question concerns merely a conflict of interests or a legal matter of prevailing political significance, the Tribunal must first of all decide on the merits of this objection. Should this objection be well founded, it shall refer the conflict for settlement to the Mediation Office.

If the conflict is brought before the Mediation Office, and it is objected that a purely legal question is concerned, the Mediation Office shall transfer the matter first to the International Tribunal, which shall decide whether the conflict shall be referred back to the Mediation Office or remain with the Tribunal.

34. The tribunal shall draft an order of procedure based upon the Hague Convention of October 18th, 1907, concerning the pacific settlement of international disputes; this procedure shall require for its efficiency the consent of the Congress of States.

The procedure before the Mediation Office shall be decided on by this body.

The Tribunal as well as the Mediation Office shall be authorised to settle by a provisional arrangement the relations arising from the dispute for the duration of the proceedings.

35. The decision of the tribunal is passed according to international agreements, international customary law and according to the general principles of law and equity.

36. The decision of the Tribunal or of the Mediation Office shall

amts verpflichtet den betroffenen Staat, ihren Inhalt nach Treu und Glauben auszuführen.

#### IV. VERHÜTUNG INTERNATIONALER STREITIGKEITEN.

37. Stellt das Vermittlungsamt fest, dass in den Beziehungen einzelner Völkerbundstaaten eine Spannung eingetreten ist, so kann es den beteiligten Staaten seine Vermittlung anbieten. Diese sind dann verpflichtet, die Angelegenheit vor dem Vermittlungsamt zu erörtern und ihm die Unterlagen für einen Vorschlag zur Lösung der Frage zu geben.

38. Jeder Völkerbundstaat ist verpflichtet, die Beschimpfung eines anderen Volkes in Wort, Schrift oder Bild durch seine Gesetzgebung und Verwaltung zu bekämpfen. Bei Verletzung dieser Pflicht kann der geschädigte Staat die Entscheidung des internationalen Gerichtshofs anrufen.

39. Zwischen den Staaten des Völkerbundes gilt eine wechselseitige Verpflichtung, solche tatsächlichen Behauptungen, die durch die Presse des einen Staates zum Nachteil des anderen veröffentlicht worden sind, jederzeit zu berichtigen. Bei Verweigerung der Berichtigung entscheidet der internationale Gerichtshof.

#### V. ABRÜSTUNG.

40. Die Mitglieder des Völkerbundes werden ihre Rüstungen zu Lande und in der Luft so begrenzen, dass von ihnen nur die zur Sicherheit des Landes erforderlichen Streitkräfte unterhalten werden.

Sie werden ihre Rüstung zur See auf die Machtmittel beschränken, die zur Verteidigung ihrer Küsten erforderlich sind.

41. Gesamtjahresausgaben zu Rüstungszwecken nach Voranschlag und Abrechnung sowie die Ziffern der Effektivbestände an Truppen und Kriegsmitteln aller Art, insbesondere an Kriegsschiffen, sind jedes Jahr der Bundeskanzlei einzureichen und von dieser in dem Publikationsorgan des Völkerbundes zu veröffentlichen.

42. Zur Durchführung der Abrüstung wird ein besonderes Abkommen getroffen, das auch die internationale Kontrolle über die Innehaltung der getroffenen Vereinbarungen enthält.

Das Abkommen bildet einen wesentlichen Bestandteil der Verfassung des Völkerbundes.

#### VI. VERKEHRSFREIHEIT.

43. Die Herrschaft über das Meer wird dem Völkerbunde übertragen. Er übt sie durch eine internationale Seepolizei aus, über deren Organisation ein besonderes Abkommen entscheidet.

demand of the state in question to carry out its contents in good faith.

#### IV. PREVENTION OF INTERNATIONAL DISPUTES.

37. If the Mediation Office shall establish the fact that a tension has arisen in the relations between individual states of the League of Nations, it can offer its services of mediation to the states concerned. These shall then be obliged to discuss the matter before the Mediation Office and to offer to the same the basis for a proposal which will tend towards a settlement of the question.

38. Every state belonging to the League of Nations shall be under obligation to suppress through its legislative and administrative authorities the calumniations of another nation by speech, writing or illustration. On violation of this duty, the injured state shall have the right to call for a decision of the International Tribunal.

39. The states of the League of Nations shall reciprocally oblige themselves to rectify at any time, such actual assertions which have been published by the press of one state to the disadvantage of another. This rectification being refused, the International Tribunal shall decide.

#### V. DISARMAMENT.

40. The members of the League of Nations shall so limit their armaments on land and in the air that only such forces will be maintained by them which are necessary for the safety of the country.

They shall limit their armament at sea to the forces which are necessary for the defence of their coasts.

41. The total expenditure for armament purposes according to estimates and expenditures, as well as the figures giving the actual number of troops and the amount of war supplies of all kinds, especially of war ships shall annually be handed in to the chancery of the League and by it to the organ of the League of Nations for the purpose of publication.

42. For the carrying through of the disarmament, a special agreement shall be made which shall also provide for the international control over the adherence to these arrangements.

The agreement shall form an essential part of the constitution of the League of Nations.

#### V. FREEDOM OF TRAFFIC.

43. The dominion over the sea shall be placed into the hands of the League of Nations. The League shall exert its powers through an International Sea Police, the organisation of which shall be decided upon by a special agreement.

Die für die Seepolizei erforderlichen Machtmittel werden zwischen den Seestaaten des Völkerbundes durch das Abkommen kontingentiert.

Ausser den Schiffen der Seepolizei dürfen keine bewaffneten Schiffe das Meer befahren.

44. Die für den internationalen Seeverkehr unentbehrlichen Meerengen und Kanäle stehen den Schiffen aller Völkerbundstaaten gleichmässig offen.

45. Kein Völkerbundstaat darf die See- und Binnenschifffahrt eines anderen Völkerbundstaates ungünstiger behandeln als diejenige des eigenen oder des meistbegünstigten Landes. Dies gilt insbesondere für die Benutzung der Einrichtungen für die Versorgung der Schiffe mit Feuerungs- und Betriebsstoffen. Die Küstenschifffahrt wird durch ein besonderes Abkommen geregelt. Wegen der Seetüchtigkeit der Schiffe und der Bordverhältnisse werden bis zur Regelung durch den Völkerbund die Gesetze des Flaggenstaates als massgebend anerkannt.

46. Die Luft steht dem Verkehr der Luftfahrzeuge aller Völkerbundstaaten gleichmässig frei. Zur Durchführung dieses Grundsatzes wird ein besonderes Abkommen getroffen, das u. a. die Notlandung auf dem Gebiete des überflogenen Staats sowie die Sicherung des Zollaufkommens regelt.

47. Kein Völkerbundstaat darf in der Freiheit des Kabel- und Funkspruchverkehrs beschränkt werden.

48. Die Rechtsstellung der Angehörigen des einen Völkerbundstaates im Gebiete des anderen in bezug auf persönliche Freiheit, Kultusfreiheit, Aufenthalts- und Niederlassungsrecht sowie Gerichtsschutz regelt ein besonderes Abkommen auf der Grundlage möglicher Gleichstellung mit den Inländern.

49. In der Ausübung von Handel, Gewerbe und Landwirtschaft sollen die Angehörigen des einen Völkerbundstaates im anderen Völkerbundstaat den Inländern gleichgestellt sein, insbesondere auch hinsichtlich der damit verbundenen Abgaben und Lasten.

50. Die Völkerbundstaaten werden sich weder unmittelbar noch mittelbar an Massnahmen beteiligen, die auf eine Fortsetzung oder Wiederaufnahme des Wirtschaftskriegs abzielen. Zwangsmassnahmen des Völkerbundes bleiben vorbehalten.

51. Waren aller Art, die aus dem Gebiet eines Völkerbundstaats kommen oder nach einem solchen gehen, sollen in den Gebieten der Völkerbundstaaten von jeder Durchfuhrabgabe frei sein.

52. Der gegenseitige Verkehr soll innerhalb des Völkerbundes nicht durch Ein-, Aus-, und Durchfuhrverbote gehemmt werden, soweit dies nicht aus Gründen der öffentlichen Sicherheit, der Gesundheits- und Seuchenpolizei oder zur Durchführung der inneren wirtschaftlichen Gesetzgebung erforderlich ist.

53. Den einzelnen Völkerbundstaaten steht es frei, die wirt-

The executive means necessary for the policing of the sea shall be divided by the agreement between the various maritime states of the League of Nations.

No other armed vessels except those of the sea police shall navigate the sea.

44. The straits and canals necessary for the international sea traffic shall be open to the ships of all states belonging to the League of Nations.

45. The states of the League of Nations shall not treat the maritime and inland navigation of any other member state less favourably than their own, or that of the most-favoured nation. This particularly applies to the utilisation of the arrangements made for the supply of coal and other necessities for the ships. Coastal navigation shall be regulated by a separate agreement. With regard to the sea-worthiness of ships and the arrangements on board, the laws of the state under whose flag the ship is sailing, shall be recognised until a settlement has been arrived at by the League of Nations.

46. The air shall be free for aeronautic traffic to all member states alike. In order to carry out this principle, a separate agreement shall be arrived at, which, among other things, shall regulate the question of forced landing on the territory of the state flown over, and of securities for the payment of duty.

47. No member state shall be restricted in the freedom of communication by cable or wireless.

48. The legal position of the subjects of one member state in the territory of another with regard to personal liberty, liberty of conscience, the rights of residence and settling, as well as judicial protection shall be settled by a separate agreement on the basis of the greatest possible equality with the native residents.

49. Concerning the practice of commerce, trade, and agriculture, the subjects of one member state shall be in a position of equality with the native residents, particularly also in respect to the imposts incumbent thereto.

50. The member states of the League of Nations shall not participate—directly or indirectly—in any measure taken with the object of continuing or resuming the economic war. Forcible measures on the part of the League of Nations shall be reserved to that body.

51. All kinds of goods coming from, or directed to, the territory of a state in the League of Nations, shall be free from all transit duties in the territories of the member states.

52. The mutual traffic between member states shall not be restricted by import, export or transit prohibitions, if it is not necessary for reasons of public safety, or on account of the Public Health Office, or for the carrying through of internal economic legislation.

53. The several member states are at liberty to settle, according

schaftlichen Beziehungen zueinander unter Berücksichtigung der besonderen Bedürfnisse durch Sonderabkommen auch in anderen als den vorstehend aufgeführten Beziehungen zu regeln.

Sie anerkennen als Ziel ihrer Bestrebungen die Schaffung eines Welthandelsvertrags.

## VII. SCHUTZ DER NATIONALEN MINDERHEITEN.

54. Den nationalen Minderheiten innerhalb der einzelnen Völkerbundstaaten, wird ein nationales Eigenleben, insbesondere in Sprache, Schule, Kirche, Kunst, Wissenschaft und Presse verbürgt.

Über die Durchführung dieses Grundsatzes entscheidet ein besonderes Abkommen, das vornehmlich bestimmt, in welcher Weise das Recht der Minderheiten vor den Organen des Völkerbundes geltend gemacht werden kann.

## VIII. ARBEITERRECHT.

55. Es gehört zu den Hauptaufgaben des Völkerbundes, der Arbeiterschaft aller Gliedstaaten ein menschenwürdiges Dasein und die Freude an der Berufstätigkeit zu sichern. Ein besonderes, in der Anlage beigefügtes Abkommen regelt zu diesem Zwecke für die Arbeiter die Fragen der Freizügigkeit, des Koalitionsrechts, der Gleichstellung der In- und Ausländer in bezug auf die Arbeitsbedingungen, der Arbeitsvermittlung, der Sozialversicherung, des Arbeiterschutzes, der Heimarbeit, der Arbeitsaufsicht und der internationalen Durchführung und Fortbildung dieser Normen.

56. Für die Überwachung und den Ausbau des Arbeiterrechts soll bei der Bundeskanzlei ein Weltarbeitsamt eingerichtet werden.

## IX. KOLONIEN.

57. Für die Verwaltung der Kolonien, die nicht das Recht der Selbstverwaltung besitzen, schafft der Völkerbund eine internationale Ordnung auf folgenden Gebieten:

- a) der Schutz der Eingeborenen gegen Sklaverei, Alkohol, Waffen- und Munitionshandel, Volksseuchen, Zwangsarbeit und Zwangsenteignung;
- b) die Fürsorge für Gesundheit, Erziehung und Wohlstand der Eingeborenen und die Sicherung der Gewissensfreiheit;
- c) die Sicherung des Friedens durch Neutralisierung der Kolonialgebiete und durch Verbot der Militarisierung.

58. Den in den Völkerbundstaaten anerkannten Religionsgemeinschaften wird die freie Ausübung ihrer Bekenntnisse und der Mission in allen Kolonien gewährleistet.

to their special requirements, their mutual economic relations by means of special agreements also in respect to relations other than those enumerated above.

They recognise the creation of an International Commercial Treaty to be the aim of their endeavours.

## VII. PROTECTION OF NATIONAL MINORITIES.

54. The national minorities in the several member states shall be guaranteed their national individuality, particularly with regard to language, school, church, art, science, and public press. The carrying through of this principle shall be decided upon by a separate agreement, which has in the first line to determine the manner in which the right of the minorities can be asserted before the official bodies of the League of Nations.

## VIII. LABOUR LAW.

55. One of the chief objects of the League of Nations is to secure to the workers of all member states an existence in accordance with human dignity and the enjoyment of their professional activities. For this purpose a special agreement, given in the appendix, shall settle for the workers the questions of freedom of movement, the right of combining, the position of equality for natives and aliens in respect to conditions of work, exchange of labour, social insurance, protection of the working classes, home industries, supervision of labour, and the international carrying through and the development of these principles.

56. An international Labour Bureau shall be established in the chancery of the League with the object of supervising and further developing the Labour Law.

## IX. THE COLONIES.

57. The League of Nations shall issue international regulations for the administration of colonies, not possessing the right of self-government, on the following subjects:

- a) the protection of the natives against slavery, alcohol, arms and munition traffic, epidemics, compulsory labour, and forcible expropriation;
- b) promotion of health, education and well-being of the natives, and the securing of the freedom of conscience;
- c) securing peace by the neutralisation of the colonial territories and by the prohibition of militarisation.

58. The recognised religious communities in the states of the League of Nations shall be guaranteed the free practice of their confessions and of missionary work in all the colonies.

59. Den Angehörigen aller Völkerbundstaaten wird die Freiheit der wirtschaftlichen Betätigung unter Berücksichtigung der vorstehenden allgemeinen Bestimmungen über die Verkehrsfreiheit in jeder Kolonie gewährleistet.

60. Zur Ausführung und Überwachung der vorstehenden Bestimmungen wird ein Weltkolonialamt eingerichtet. In jeder Kolonie sind Beauftragte des Völkerbundes verpflichtet, über die Innehaltung der vorstehenden Bestimmungen zu wachen.

61. Über das Schicksal der dem Völkerbund nicht unmittelbar oder mittelbar angeschlossenen Gebiete kolonialen Charakters kann nur durch Beschluss des Völkerbundes zugunsten eines Mitglieds verfügt werden.

## X. VOLLSTRECKUNG.

62. Weigert sich ein Völkerbundsstaat Sprüche, Beschlüsse oder Verfügungen eines zuständigen Organs des Völkerbundes auszuführen oder verletzt er sonst eine Bestimmung der Bundesverfassung, so beschliesst das Vermittlungsamt in seiner Vollbesetzung von 15 Mitgliedern über die Zwangsvollstreckung.

63. Die Zwangsvollstreckung kann insbesondere bestehen in:

- a) Abbruch der diplomatischen Beziehungen durch alle übrigen Staaten;
- b) Einschränkung oder Abbruch der wirtschaftlichen Beziehungen, namentlich Ein- und Ausfuhrverbote, ungleichmässige Zollbehandlung, Sperrung des Personen-, Güter- und Nachrichtenverkehrs, Beschlagnahme von Schiffen;
- c) militärischen Massnahmen, die dem verletzten Staat allein oder in Verbindung mit anderen Staaten aufgetragen werden.

64. Jeder Staat hat das Recht, bei einem Angriff auf sein Gebiet nicht nur zu den Rechtsmitteln des Völkerbundes, sondern sofort zur Selbsthilfe zu greifen.

65. Alle Kosten und Schäden, die den Mitgliedern des Völkerbundes einzeln oder gemeinsam aus den Massnahmen der Vollstreckung entstehen, zahlt der friedebrechende Staat.

## XI. KOSTEN.

66. Die gesamten Kosten des Völkerbundes werden von den Mitgliedern nach einem Schlüssel aufgebracht, der von dem Staatenkongress in Anlehnung an den Schlüssel des Weltpostvereins festgestellt wird.

59. The subjects of all member states shall be guaranteed the freedom of economic activity, taking into consideration the aforesaid general regulations on the freedom of traffic in every colony.

60. For the carrying through and supervision of the above regulations an International Colonial Office shall be established. In every colony, the mandatories of the League of Nations shall be obliged to see to the carrying into effect of the above regulations.

61. The fate of territories of a colonial character which are not connected, directly or indirectly, with the League of Nations shall be decided upon in favour of a member by a verdict of the League of Nations only.

## X. EXECUTION.

62. If a state of the League of Nations refuses to carry out the decisions, resolutions or orders of any one official body authorised by the League of Nations or in any other way violates a provision of the constitution of the League, the Mediation Office in its full sitting of fifteen members shall come to a decision about compulsory execution.

63. Execution may in particular consist in:

- a) the breaking off of the diplomatic relations by all the other states;
- b) the limitation of, or breaking off, of economic relations, especially by import and export prohibitions, unequal customs treatment, cutting off of the traffic in goods, persons, the stoppage of the transmission of news, confiscation of ships;
- c) military measures which are enjoined upon the injured state alone or in connection with other states.

64. Every state shall have the right, upon an attack being made upon its territory, to make use not only of the legal means offered by the League of Nations, but also to take immediate steps in self-defence.

65. All costs and damages which result to the members of the League of Nations individually or jointly, from the measures taken for the execution of their orders, shall be paid by the state which breaks the peace.

## XI. COSTS.

66. The total costs of the League of Nations shall be provided for by the members according to a fixed standard which is to be established by the Congress of States in accordance to the standard fixed by the international postal union.

**French Text of April 7, 1919**

**EPREUVE**

COMMISSION  
DE LA SOCIÉTÉ DES NATIONS

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PACTE

Désirant assurer la paix et la sécurité des Nations et favoriser leur coopération, les Hautes Parties Contractantes s'engagent :

A ne pas recourir à la guerre,  
A fonder leurs relations sur la franchise, l'équité et l'honneur,  
A prendre les prescriptions du droit international, le maintien de la justice et le respect scrupuleux des Traités pour règle de conduite des Gouvernements dans les rapports des Peuples organisés,

Et adoptent, comme loi constitutive de la Société des Nations, le présent Pacte.

I.

COMPOSITION DE LA SOCIÉTÉ DES NATIONS.

ARTICLE PREMIER.

Sont membres originaires de la Société des Nations les États signataires dont les noms figurent dans l'annexe au présent Pacte, ainsi que les États, également nommés dans l'annexe, qui auront accepté d'accéder au présent Pacte par une déclaration déposée au Secrétariat de la Société dans les deux mois de la mise en vigueur. Cette adhésion sera portée à la connaissance des autres membres de la Société.

Tout État de "Self-government" complet, Dominion ou Colonie, non désigné dans l'annexe, peut devenir membre de la Société si son admission est prononcée par les deux tiers de l'Assemblée, pourvu qu'il donne des garanties effectives de son intention sincère d'observer ses engagements internationaux et qu'il accepte le règlement établi par la Société en ce qui concerne ses forces et ses armements militaires et navals.

Tout membre de la Société peut, après un préavis de deux ans, se retirer de la Société, à la condition d'avoir rempli toutes ses obligations internationales et toutes celles du présent Pacte.

## II.

## ORGANES, SIÈGE, PROCÉDURE.

## ART. 2.

L'action de la Société, telle qu'elle est définie dans le présent Pacte, s'exerce par une Assemblée et un Conseil assistés d'un Secrétariat permanent.

## ART. 3.

L'Assemblée se compose de Délégués des États de la Société. Elle se réunit à des intervalles déterminés et à tout autre moment, si les circonstances le demandent, au siège de la Société ou en tel autre lieu désigné.

La compétence de l'Assemblée s'étend à toutes questions qui rentrent dans la sphère d'activité de la Société ou qui intéressent la paix du monde.

Le vote a lieu par États: chaque État ne pourra compter plus de trois représentants dans l'Assemblée et ne disposera que d'une voix.

## ART. 4.

Le Conseil se compose des Représentants des États-Unis d'Amérique, de l'Empire britannique, de la France, de l'Italie et du Japon, ainsi que des Représentants de quatre autres États membres de la Société. Ces quatre États sont désignés par l'Assemblée au moment et dans les conditions qu'elle juge convenables. Jusqu'à cette désignation, les Représentants de..... sont membres du Conseil.

Avec l'approbation de la majorité de l'Assemblée, le Conseil peut désigner d'autres États qui seront, à titre permanent, représentés au Conseil. Il peut, avec la même approbation, augmenter le nombre des États à choisir par l'Assemblée pour être temporairement représentés au Conseil.

Le Conseil se réunit quand les circonstances le demandent, et au moins une fois par an au siège de la Société ou en tel autre lieu désigné.

La compétence du Conseil s'étend à toutes questions qui rentrent dans la sphère d'activité de la Société ou qui intéressent la paix du monde.

L'État qui n'est pas représenté au Conseil est invité à y envoyer siéger un représentant lorsqu'une question qui l'intéresse est portée devant le Conseil.

Le vote a lieu par États : chaque État membre du Conseil ne dispose que d'une voix et n'a qu'un représentant.

#### ART. 5.

Toutes questions de procédure concernant l'Assemblée ou le Conseil, y compris la désignation des Commissions chargées d'enquêter sur des cas particuliers, sont décidées par l'Assemblée ou par le Conseil à la majorité des États représentés à la réunion.

Sauf disposition expressément contraire du présent pacte, les décisions de l'Assemblée et du Conseil sont prises à l'unanimité des États représentés.

La première réunion de l'Assemblée et la première réunion du Conseil auront lieu sur la convocation du Président des États-Unis d'Amérique.

#### ART. 6.

Le Secrétariat permanent est établi au siège de la Société. Il comprend un Secrétaire général, ainsi que les secrétaires et le personnel nécessaires.

Le premier secrétaire général est désigné dans l'annexe. Son successeur est choisi par l'Assemblée sur la proposition du Conseil.

Les Secrétaires et le personnel du Secrétariat sont nommés par le Secrétaire général avec l'approbation du Conseil.

Le Secrétaire général assiste en cette qualité à toutes les séances de l'Assemblée et du Conseil.

Les dépenses du Secrétariat sont supportées par les membres de la Société dans la proportion établie pour le Bureau de l'Union postale universelle.

#### ART. 7.

Le siège de la Société est établi à . . . . .

Le Conseil pourra décider à tout moment de l'établir dans un autre lieu.

Toutes les fonctions de la Société ou des services qui s'y rattachent, y compris le Secrétariat, peuvent être également remplies par des hommes ou par des femmes.

Les Représentants des États associés et les agents de la Société jouiront dans l'exercice de leurs fonctions des privilèges et immunités diplomatiques.

Les constructions et terrains occupés par la Société, par ses agents ou ses représentants en session sont inviolables.

## III.

RÈGLES DESTINÉES  
A ASSURER LE MAINTIEN DE LA PAIX.

## ART. 8.

Les Membres de la Société s'engagent à respecter et à préserver contre toute agression extérieure l'intégrité territoriale et l'indépendance politique de tous les membres de la Société. En cas d'agression, de menace ou de danger d'agression, le conseil avise aux moyens d'assurer l'exécution de cette obligation.

## ART. 9.

*Limitation des Armements.*

Les Membres de la Société reconnaissent que le maintien de la paix exige la réduction des armements au minimum compatible avec la sécurité nationale et avec l'exécution par une action commune des obligations internationales.

Le Conseil établit le plan de cette réduction en tenant compte de la situation géographique et des conditions spéciales de chaque État. Il le soumet à l'examen de chaque Gouvernement, en vue d'en assurer l'exécution.

Ce plan qui doit faire l'objet d'un nouvel examen au moins tous les dix ans est révisé quand les circonstances l'exigent. Après son adoption par les Gouvernements, aucun changement n'y peut être apporté sans le consentement du Conseil.

Considérant que la fabrication privée des munitions et articles de guerre soulève de graves objections, les Membres de la Société chargent le Conseil de prendre des mesures pour en éviter les fâcheux effets, en tenant compte des nécessités des États qui ne peuvent fabriquer les munitions et articles de guerre indispensables à leur sûreté.

Les Membres de la Société s'engagent à échanger, de la manière la plus franche et la plus complète, tous renseignements relatifs à l'échelle de leurs armements, à leurs programmes militaires et navals et aux conditions de leurs industries susceptibles de s'adapter à la guerre.

## ART. 10.

Une Commission permanente est formée pour donner au Conseil son avis sur l'exécution des dispositions des articles 1 et 9 et, d'une façon générale, sur les questions militaires et navales.

## ART. II.

Toute guerre ou menace de guerre qui peut, dans le présent ou l'avenir, affecter un des États contractants, concerne l'ensemble de la Société qui doit prendre les mesures utiles et efficaces pour la sauvegarde de la paix des nations.

Dans le cas d'une telle éventualité, le Secrétaire général convoque le Conseil, à la demande de tout membre de la Société.

Il est, en outre, expressément déclaré que tout membre de la Société a le droit, à titre amical, d'appeler l'attention de l'Assemblée ou du Conseil sur toute circonstance de nature à affecter les relations internationales qui menacent de troubler la paix ou la bonne entente entre les nations dont la paix dépend.

## ART. 12.

Tous les Membres de la Société conviennent que, s'il s'élève entre eux un différend susceptible d'entraîner une rupture, ils le soumettront soit à l'arbitrage, soit à l'examen du Conseil.

En aucun cas ils ne doivent recourir à la guerre avant l'expiration d'un délai de trois mois après la sentence des arbitres ou le rapport du Conseil.

Dans tous les cas prévus par cet article, la sentence des arbitres doit être rendue dans un délai raisonnable et le rapport du Conseil doit être établi dans les six mois à dater du jour où il aura été saisi du différend.

## ART. 13.

Les Membres de la Société conviennent que s'il s'élève entre eux un différend susceptible, à leur avis, d'une solution arbitrale et si ce différend ne peut se régler de façon satisfaisante par la voie diplomatique, la question sera soumise à l'arbitrage.

Sont déclarés susceptibles de solution arbitrale les différends relatifs à l'interprétation d'un traité, à tout point de droit international, à la réalité de tout fait qui, s'il était établi, constituerait la rupture d'un engagement international, ou à l'étendue ou à la nature de la réparation due pour une telle rupture.

La Cour d'arbitrage à laquelle la cause est soumise est la Cour désignée par les Parties ou prévue dans leurs conventions antérieures.

Les Membres de la Société s'engagent à exécuter de bonne foi les sentences rendues et à ne pas recourir à la guerre contre tout Membre de la Société qui s'y conformera. Faute d'exécution de la sentence, le Conseil propose les mesures qui doivent en assurer l'exécution.

## ART. 14.

Le Conseil est chargé d'établir le plan d'une cour permanente de justice internationale et de le soumettre aux Membres de la Société. Cette Cour a compétence pour entendre et juger tout différend d'un caractère international que les Parties lui soumettent. Elle donne aussi son avis sur tout différend ou tout point que lui soumet le Conseil ou l'Assemblée.

## ART. 15.

*Règlement des différends non soumis à l'arbitrage.*

S'il s'élève entre les Membres de la Société un différend susceptible d'entraîner une rupture et si ce différend n'est pas soumis à l'arbitrage prévu à l'article 13, les Parties doivent le porter devant le Conseil. A cet effet, il suffit à l'une d'elles d'aviser de ce différend le Secrétaire général qui prend toutes dispositions en vue d'une enquête et d'un examen aussi complets que possible.

Dans le plus bref délai les parties doivent lui communiquer l'exposé de leur cause avec tous faits et pièces justificatives. Le Conseil peut en ordonner la publication immédiate.

Le Conseil s'efforce d'assurer le règlement du différend. S'il y réussit, il publie, dans la mesure qu'il juge utile, un exposé de faits, les explications des Parties et les termes du règlement.

Si le différend n'a pu se régler, le Conseil doit présenter et publier un rapport, voté soit à l'unanimité, soit à la majorité des voix, pour exposer les circonstances du différend et faire, à cet égard, toutes recommandations justes et convenables.

Tout État représenté au Conseil peut également publier l'exposé du différend et ses propres conclusions.

Si le rapport du Conseil est accepté à l'unanimité, dans le calcul de laquelle n'entrent pas les représentants de toute Partie au différend, les Membres de la Société conviennent de ne pas recourir à la guerre envers toute Partie qui se conformera aux recommandations du rapport.

Si l'une des Parties ne s'y conforme pas, le Conseil examine quelles mesures peuvent être prises pour rendre ses recommandations efficaces.

Dans le cas où le Conseil ne réussit pas à établir un rapport qui soit accepté par tous les membres autres que les Représentants de toute Partie au différend, les Membres de la Société se réservent de prendre les mesures convenables pour assurer le respect du droit et de la justice.

Dans le cas où l'une des Parties prétend et où le Conseil reconnaît que le différend relève, en droit international, de la juridiction

intérieure de cette Partie, il conclut en ce sens dans un rapport et ne fait aucune recommandation relative à la solution du différend.

Le Conseil peut, dans tous les cas prévus au présent article, porter le différend devant l'Assemblée.

Il en sera ainsi fait à la requête de l'une des Parties ; cette requête devra être présentée dans les quatorze jours à dater du moment où le différend est soumis au Conseil.

Dans toute affaire soumise à l'Assemblée, les dispositions du présent article et de l'article 12 relatives à l'action et aux pouvoirs du Conseil s'appliquent également à l'action et aux pouvoirs de l'Assemblée. Il est entendu qu'un rapport fait par l'Assemblée avec l'approbation des Délégués des États représentés au Conseil et d'une majorité des autres États membres de la Société, à l'exclusion, dans chaque cas, des représentants des Parties, a le même effet qu'un rapport du Conseil approuvé à l'unanimité.

#### ART. 16.

Au cas où un Membre de la Société recourt à la guerre, contrairement aux engagements pris aux articles 12, 13 et 15, il est *ipso facto* considéré comme ayant commis un acte de guerre contre tous les autres États adhérents et cesse d'être représenté dans tous les organes de la Société.

Les États adhérents s'engagent à rompre immédiatement avec lui toutes relations commerciales ou financières, à interdire tous rapports entre leurs nationaux et ceux de l'État en rupture de pacte ainsi que toutes communications financières, commerciales ou personnelles entre les nationaux de cet État et ceux de tout autre État, Membre ou non de la Société.

En ce cas, il est du devoir du Conseil d'indiquer aux divers Gouvernements intéressés, les contingents militaires et navals qu'ils doivent respectivement fournir pour constituer la force armée destinée à assurer le respect des engagements de la Société.

Les Membres de la Société conviennent, en outre, de se prêter l'un à l'autre un mutuel appui dans l'application des mesures économiques et financières à prendre en vertu du présent article pour réduire au minimum les pertes et les inconvénients qui peuvent en résulter.

Ils se prêtent également un mutuel appui pour résister à toute action dirigée contre l'un d'eux par l'État en rupture de pacte. Sur la demande du Conseil, ils prennent les dispositions nécessaires pour assurer le passage, avec toutes les facilités possibles, aux forces de tout membre de la Société, à travers leur territoire.

Tout État qui a violé l'un des engagements du pacte peut être exclu de la Société par un vote du Conseil émis à l'unanimité des voix, moins la sienne, s'il y est représenté.

## ART. 17.

*Différend concernant un État non membre de la Société.*

En cas de différend entre deux États, dont l'un seulement est membre de la Société, cet État ou ces États sont invités à se soumettre aux mêmes obligations que ses membres aux fins du règlement de leur différend, sous les conditions estimées justes par le Conseil. Si l'invitation est acceptée, les dispositions des articles 12 à 16 s'appliquent sous réserve des modifications jugées nécessaires par le Conseil.

Dès l'envoi de cette invitation, le Conseil ouvre une enquête sur l'objet du différend et recommande l'action qui lui paraît en la circonstance la meilleure et la plus efficace.

Si l'État ainsi invité, refusant d'accepter les obligations de Membre de la Société aux fins de règlement du différend, recourt à la guerre contre un État adhérent, les dispositions de l'article 16 lui sont applicables.

Si les deux Parties ainsi invitées refusent d'accepter les obligations de Membre de la Société aux fins de règlement du différend, le Conseil peut prendre toutes mesures et faire toutes recommandations de nature à prévenir les hostilités et à résoudre le conflit.

## IV.

## RÉGIME DES TRAITÉS.

## ART. 18.

Tout traité ou engagement international conclu par un membre de la Société doit être immédiatement enregistré par le Secrétariat qui le publie aussitôt que possible. Nul traité ou engagement international n'est obligatoire avant l'enregistrement.

## ART. 19.

L'Assemblée peut, de temps en temps, inviter les membres de la Société à procéder à un nouvel examen des traités devenus inapplicables ainsi que des obligations internationales dont le maintien mettrait en péril la paix du monde.

## ART. 20.

Les membres de la Société sont respectivement d'accord que le présent Pacte abroge toutes obligations *inter se* incompatibles avec ses termes et s'engagent solennellement à n'en pas contracter de nouvelles.

Si, avant son entrée dans la Société, un membre a assumé des obligations incompatibles avec les termes du Pacte, il doit prendre des mesures immédiates pour se dégager de ces obligations.

## V.

### ADMINISTRATION DES INTÉRÊTS INTERNATIONAUX.

#### ART. 21.

#### *Mandats.*

Le principe suivant s'applique aux colonies et territoires sous-traités par l'effet de la guerre à la souveraineté des États qui les gouvernaient précédemment, mais dont les peuples ne sont pas encore capables de se diriger eux-même dans les conditions particulièrement difficiles du monde moderne: le soin du bien-être et du développement de ces peuples forme une mission sacrée de civilisation pour l'accomplissement de laquelle des garanties doivent être insérées dans le présent pacte.

La meilleure méthode d'assurer la réalisation pratique de ce principe est de confier la tutelle de ces peuples aux nations plus développées qui, en raison de leurs ressources, de leurs expériences ou de leur situation géographique, sont le mieux en état d'assumer cette responsabilité et qui consentent à l'accepter: elles exerceront cette tutelle en qualité de mandataires et au nom de la Société des Nations.

Le caractère du mandat différera suivant le degré du développement du peuple, la situation géographique du territoire, les conditions économiques et toutes circonstances analogues.

Certaines communautés politiques, qui relevaient autrefois de l'Empire ottoman, ont atteint un degré de développement tel que leur existence comme nations indépendantes peut être provisoirement reconnue, pourvu que les conseils et l'aide d'un mandataire guident leur administration jusqu'au moment où elles seront devenues capables de se diriger seules. Ce sont leurs vœux qui doivent être d'abord pris en considération pour le choix du mandataire.

Le degré de développement d'autres peuples, spécialement de ceux de l'Afrique centrale, exige que le mandataire en assume l'administration, à condition, non seulement d'empêcher des abus, tels que la traite des esclaves, le commerce des armes et de l'alcool, mais encore d'assurer la liberté de conscience et de religion, sans autres limitations que celles de l'ordre public et des bonnes mœurs, de ne pas établir des fortifications ou des bases militaires ou navales, ni donner aux indigènes une instruction militaire, sauf pour la

police ou la défense du territoire, enfin d'assurer à tous les autres membres de la Société l'égalité commerciale.

Par suite de la faible densité de leur population, de leur superficie restreinte, de leur éloignement des centres de civilisation, de la contiguïté géographique au territoire du mandataire, ou d'autres circonstances, certains pays, tels que le Sud-Ouest africain et certaines îles du Pacifique austral ne sauraient être mieux administrés que sous les lois du mandataire, comme partie intégrante de son territoire, sous réserve des garanties prévues plus haut dans l'intérêt de la population indigène.

Dans tous les cas ci-dessus visés, le mandataire doit envoyer au Conseil un rapport annuel concernant les territoires dont il a commis la charge.

Si le degré d'autorité, de contrôle ou d'administration à exercer par l'État mandataire n'a pas fait l'objet d'une Convention antérieure entre les États membres de la Société il sera expressément statué sur ces points par le Conseil. Un bureau permanent sera chargé par lui de recevoir et d'examiner les rapports annuels des mandataires; il donnera au Conseil son avis sur toutes questions relatives à l'exécution des mandats.

#### ART. 22.

Sous la réserve, et en conformité des dispositions des Conventions internationales actuellement existantes ou qui seront ultérieurement conclues, les membres de la Société:

a) S'efforceront d'assurer et maintenir des conditions de travail équitables et humaines pour l'homme, la femme et l'enfant sur leurs propres territoires, ainsi que dans tous pays auxquels s'étendent leurs relations de commerce et d'industrie, et, dans ce but, d'établir et entretenir les organisations nécessaires à cette fin.

b) S'engagent à assurer le traitement équitable des populations indigènes dans les territoires soumis à leur administration;

c) Chargeront la Société des Nations du contrôle général de l'exécution des accords relatifs à la traite des blanches, du trafic de l'opium et autres drogues nuisibles;

d) Chargeront la Société du contrôle général du commerce des armes et des munitions avec des pays où le contrôle de ce commerce est indispensable à l'intérêt commun;

e) Prendront les dispositions nécessaires pour assurer la garantie et le maintien de la liberté des communications et du transit, ainsi qu'un équitable traitement commercial à tous les membres de la Société, étant entendu que les nécessités spéciales des régions dévastées pendant la guerre de 1914-1918, devront être prises en considération;

f) S'efforceront de prendre des mesures d'ordre international pour prévenir et combattre les maladies.

## ART. 23.

*Bureaux internationaux.*

Tous les bureaux internationaux antérieurement établis par traités collectifs seront, sous réserve de l'assentiment des parties, placés sous le contrôle de la Société. Tous autres bureaux et toutes Commissions pour le règlement des affaires d'intérêt international qui se créeront ultérieurement seront placés sous le contrôle de la Société.

Pour toutes questions d'intérêt international réglées par des conventions générales, mais non soumises au contrôle de Commissions ou de bureaux internationaux, le Secrétariat de la Société devra, si les Parties le demandent et si le Conseil y consent, réunir et distribuer toutes informations utiles et prêter toute l'assistance nécessaire ou désirable.

Le Conseil peut décider de faire rentrer dans les dépenses du Secrétariat celles de tout bureau ou Commission placé sous le contrôle de la Société.

## ART. 24.

Les Membres de la Société s'engagent à encourager et favoriser l'établissement et la coopération des organisations volontaires nationales, dûment autorisées, de la Croix-Rouge qui ont pour objet l'amélioration de la santé publique, la défense préventive contre la maladie et l'adoucissement de la souffrance dans le monde.

## IV (sic).

## REVISION DU PACTE.

## ART. 25.

Les amendements au présent Pacte entreront en vigueur dès leur ratification par les États dont les représentants composent le Conseil et par la majorité de ceux dont les représentants forment l'Assemblée.

**French Texts Written with de Lapradelle, April 16 and 17,  
and with Larnaude, April 18, 1919**

*[The de Lapradelle Text is the left column and the Larnaude Text is the right column. Paragraphs that are the same run across the page. There was no Annex printed with the de Lapradelle Text.]*

**LE PACTE  
de la**

**SOCIÉTÉ DES NATIONS**

Animées du désir de développer et d'assurer, dans les relations internationales la coopération, la paix et la sûreté par l'engagement en certains cas de ne pas recourir à la guerre, la prescription de relations ouvertes, justes, honorables, entre les nations, le ferme établissement des principes du droit international comme règle de conduite des gouvernements, le maintien de la justice et le scrupuleux respect des obligations des traités dans les rapports mutuels des peuples organisés, les Hautes Parties Contractantes acceptent le présent Pacte constitutif de la Société des Nations.

**ARTICLE I.**

Sont Membres originaires de la Société des Nations, les Signataires dont les noms figurent dans l'annexe au présent Pacte, ainsi que les États, également nommés dans l'annexe, qui auront ac-

**PACTE  
de la**

**SOCIÉTÉ DES NATIONS**

Les Hautes Parties Contractantes :

Considérant que, pour faire progresser la coopération internationale et garantir à l'humanité la Paix et la sûreté, il est nécessaire :

de s'interdire en certains cas le recours à la guerre,

de pratiquer au grand jour une politique de justice et d'honneur entre les Nations,

d'observer rigoureusement les prescriptions du Droit international, adoptées désormais comme règle de conduite effective des Gouvernements.

de faire régner la justice et de respecter scrupuleusement toutes les obligations des Traités dans les rapports mutuels des peuples organisés,

Acceptent le présent Pacte constitutif de la Société des Nations.

**ARTICLE I.**

Sont Membres originaires de la Société des Nations ceux des Signataires dont les noms figurent dans l'annexe au présent Pacte, ainsi que les États, également nommés dans l'annexe, qui

cédé sans réserve au présent Pacte par une déclaration déposée au Secrétariat dans les deux mois de l'entrée en vigueur du Pacte. Notification en sera faite aux autres Membres de la Société.

Tout État, Dominion ou Colonie s'administrant entièrement lui-même, qui n'est pas désigné dans l'annexe, peut devenir Membre de la Société si son admission est prononcée par les deux tiers de l'Assemblée, pourvu qu'il donne des garanties effectives de son intention sincère d'observer ses engagements internationaux et qu'il accepte le règlement établi par la Société en ce qui concerne ses forces et ses armement militaires et navals.

Tout Membre de la Société peut, après un préavis de deux ans, se retirer de la Société, à la condition d'avoir rempli toutes ses obligations internationales y compris celles du présent Pacte.

auront accédé sans réserve au présent Pacte par une déclaration déposée au Secrétariat dans les deux mois de l'entrée en vigueur du Pacte et dont notification sera faite aux autres Membres de la Société.

Tout État, Dominion ou Colonie jouissant d'une entière liberté de gouvernement, qui n'est pas désigné dans l'annexe, peut devenir Membre de la Société si son admission est prononcée par les deux tiers de l'Assemblée, pourvu qu'il donne des garanties effectives de son intention sincère d'observer ses engagements internationaux et qu'il accepte le règlement établi par la Société en ce qui concerne ses forces et ses armements militaires et navals.

#### ARTICLE II.

L'action de la Société, telle qu'elle est définie dans le présent Pacte s'exerce par une Assemblée et un Conseil assistés d'un Secrétariat permanent.

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#### ARTICLE III.

L'Assemblée se compose de Représentants des Membres de la Société.

Elle se réunit à des intervalles déterminés et à tout autre moment, si les circonstances le demandent, au siège de la Société ou en tel autre lieu désigné.

L'Assemblée connaît de toute question qui rentre dans la sphère

Elle se réunit à des époques fixées et à tout autre moment, si les circonstances le demandent, au siège de la Société ou en tel autre lieu qui pourra être désigné.

L'Assemblée connaît de toute question qui rentre dans la

d'activité de la Société ou qui touche la paix du monde.

sphère d'activité de la Société ou qui affecte la paix du monde.

Chaque Membre de la Société ne peut compter plus de trois Représentants dans l'Assemblée et ne dispose que d'une voix.

#### ARTICLE IV.

Le Conseil se compose de Représentants des États-Unis d'Amérique, de l'Empire britannique, de la France, de l'Italie et du Japon, ainsi que de Représentants de quatre autres États Membres de la Société. Ces quatre États sont désignés par l'Assemblée de temps à autre, à son gré. Jusqu'à la première désignation par l'Assemblée, les Représentants de..... sont membres du Conseil.

Avec l'approbation de la majorité de l'Assemblée, le Conseil peut désigner, d'autres États dont les Représentants sont, de droit, membres du Conseil. Il peut, avec la même approbation, augmenter le nombre des États à choisir par l'Assemblée pour être représentés au Conseil.

Le Conseil se réunit quand les circonstances le demandent, et au moins une fois par an au siège de la Société ou en tel autre lieu désigné.

Le Conseil connaît de toute question qui rentre dans la sphère d'activité de la Société ou qui touche la paix du monde.

Le Membre de la Société qui n'est pas représenté au Conseil est invité à y envoyer siéger un Représentant lorsqu'une question qui le touche particulièrement est portée devant le Conseil.

Chaque État représenté au Conseil ne dispose que d'une voix et n'a qu'un Représentant.

#### ARTICLE IV.

Le Conseil se compose de Représentants des États-Unis d'Amérique, de l'Empire Britannique, de la France, de l'Italie et du Japon, ainsi que de Représentants de quatre autres États Membres de la Société. Ces quatre États sont désignés librement par l'Assemblée et aux époques qu'il lui plaît de choisir. Jusqu'à la première désignation par l'Assemblée, les Représentants de.....sont membres du Conseil.

Avec l'approbation de la majorité de l'Assemblée, le Conseil peut désigner d'autres États dont la représentation sera désormais permanente au Conseil. Il peut, avec la même approbation, augmenter le nombre des États à choisir par l'Assemblée pour être représentés au Conseil.

Le Conseil se réunit quand les circonstances le demandent, et au moins une fois par an au siège de la Société ou en tel autre lieu qui pourra être désigné.

Le Conseil connaît de toute question qui rentre dans la sphère d'activité de la Société ou qui affecte la paix du monde.

Tout Membre de la Société qui n'est pas représenté au Conseil est invité à y envoyer siéger un Représentant lorsqu'une question qui l'intéresse particulièrement est portée devant le Conseil.

## ARTICLE V.

Sauf disposition expressément contraire du présent Pacte, les décisions de l'Assemblée ou du Conseil sont prises à l'unanimité des États représentés à la réunion.

Toutes questions de procédure concernant l'Assemblée ou le Conseil, y compris la désignation des Commissions chargées d'enquêter sur des points particuliers, sont réglées par l'Assemblée ou par le Conseil et décidées à la majorité des États représentés à la réunion.

Toutes questions de procédure qui se posent aux réunions de l'Assemblée ou du Conseil, y compris la désignation des Commissions chargées d'enquêter sur des points particuliers, sont réglées par l'Assemblée ou par le Conseil et décidées à la majorité des États représentés à la réunion.

La première réunion de l'Assemblée et la première réunion du Conseil auront lieu sur la convocation du Président des États-Unis d'Amérique.

## ARTICLE VI.

Le Secrétariat permanent est établi au siège de la Société. Il comprend un Secrétaire général, ainsi que les secrétaires et le personnel nécessaires.

Le premier Secrétaire général est désigné dans l'annexe. Son successeur est nommé par le Conseil avec l'approbation de la majorité de l'Assemblée.

Le premier Secrétaire général est désigné dans l'annexe. Par la suite, le Secrétaire général sera nommé par le Conseil avec l'approbation de la majorité de l'Assemblée.

Les Secrétaires et le personnel du Secrétariat sont nommés par le Secrétaire général avec l'approbation du Conseil.

Le Secrétaire général assiste en cette qualité à toutes les séances de l'Assemblée et du Conseil.

Le Secrétaire général de la Société est de droit Secrétaire général de l'Assemblée et du Conseil.

Les dépenses du Secrétariat sont supportées par les Membres de la Société dans la proportion établie pour le Bureau international de l'Union postale universelle.

## ARTICLE VII.

Le siège de la Société est établi à Genève.

Le Conseil pourra décider à tout moment de l'établir dans un autre lieu.

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Toutes les fonctions de la

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Société ou des services qui s'y rattachent, y compris le Secrétariat, peuvent être également remplies par des hommes ou des femmes.

Les Représentants des Membres de la Société et les agents de la Société jouiront dans l'exercice de leurs fonctions des privilèges et immunités diplomatiques.

Les constructions et terrains occupés par la Société, par ses agents ou les Représentants en session, sont inviolables.

## ARTICLE VIII.

Les Membres de la Société reconnaissent que le maintien de la paix exige la réduction des armements nationaux au minimum compatible avec la sécurité nationale avec l'exécution par une action commune des obligations internationales.

Le Conseil, en tenant compte de la situation géographique et des conditions spéciales de chaque État, est chargé de préparer le plan de cette réduction et de le proposer aux divers Gouvernements, qui en décideront.

Ce plan doit faire l'objet d'un nouvel examen en vue d'une révision tous les dix ans au moins.

Après son adoption par les divers Gouvernements, la limite des armements ainsi fixée ne peut être dépassée sans le consentement du Conseil.

Considérant que la fabrication privée des munitions et engins de guerre soulève de graves objections, les Membres de la Société chargent le Conseil d'aviser aux mesures pour en

Société ou des services qui s'y rattachent, y compris le Secrétariat, sont également accessibles aux hommes et aux femmes.

Les Représentants des Membres de la Société et ses agents jouissent dans l'exercice de leurs fonctions des privilèges et immunités diplomatiques.

Les bâtiments et terrains occupés par la Société, par ses services ou ses réunions, sont inviolables.

## ARTICLE VIII.

Les Membres de la Société reconnaissent que le maintien de la paix exige la réduction des armements nationaux au minimum compatible avec la sécurité nationale et avec l'exécution des obligations internationales imposée par une action commune.

Le Conseil, tenant compte de la situation géographique et des conditions spéciales de chaque pays, prépare les programmes de ces réductions. Les divers Gouvernements les examinent et en décident.

Ces programmes doivent faire l'objet d'un nouvel examen et, s'il y a lieu, d'une révision tous les dix ans au moins.

Après leur adoption par les divers Gouvernements, la limite des armements ainsi fixée ne peut être dépassée sans le consentement du Conseil.

Considérant que la fabrication privée des munitions et du matériel de guerre soulève de graves objections, les Membres de la Société chargent le Conseil d'aviser aux mesures propres à

éviter les fâcheux effets, en tenant compte des nécessités des États qui ne peuvent fabriquer les munitions et engins de guerre indispensables à leur sûreté.

Les Membres de la Société s'engagent à échanger, de la manière la plus franche et la plus complète, tous renseignements relatifs à l'échelle de leurs armements, à leurs programmes militaires et navals et aux conditions de leurs industries susceptibles de s'adapter à la guerre.

en éviter les fâcheux effets, en tenant compte des besoins des États qui ne peuvent fabriquer les munitions et le matériel de guerre nécessaires à leur sûreté.

Les Membres de la Société s'engagent à échanger, de la manière la plus franche et la plus complète, tous renseignements relatifs à l'échelle de leurs armements, à leurs programmes militaires et navals et la condition de celles de leurs industries qui peuvent s'adapter aux fabrications de guerre.

#### ARTICLE IX.

Une Commission permanente est formée pour donner au Conseil son avis sur l'exécution des dispositions des articles 1 et 8 et, d'une façon générale, sur les questions militaires et navales.

#### ARTICLE X

Les Membres de la Société s'engagent à respecter et à préserver contre toute agression extérieure l'intégrité territoriale et l'indépendance politique actuelle de tous les Membres de la Société. En cas d'agression, de menace ou de danger d'agression, le Conseil avise aux moyens d'assurer l'exécution de cette obligation.

#### ARTICLE X.

Les Membres de la Société s'engagent à respecter et à maintenir contre toute agression extérieure l'intégrité territoriale et l'indépendance politique présente de tous les Membres de la Société. En cas d'agression, de menace ou de danger d'agression, le Conseil avise aux moyens d'assurer l'exécution de cette obligation.

#### ARTICLE XI.

Toute guerre ou menace de guerre qui peut directement ou non toucher un des Membres de la Société, concerne l'ensemble de la Société, qui doit prendre les mesures utiles et efficaces pour la sauvegarde de la paix des nations. Dans le cas d'une telle éventualité, le Secrétaire général

#### ARTICLE XI.

Il est expressément déclaré que toute guerre ou menace de guerre qu'elle affecte directement ou non l'un des Membres de la Société, intéresse la Société toute entière et que celle-ci doit prendre les mesures utiles pour sauvegarder efficacement la paix des nations. En pareil cas, le Secré-

convoque immédiatement le Conseil, à la demande de tout membre de la Société.

Il est, en outre, expressément déclaré que tout Membre de la Société a le droit, à titre amical, d'appeler l'attention de l'Assemblée ou du Conseil sur toute circonstance de nature à affecter les relations internationales qui menace de troubler la paix ou la bonne entente entre les nations dont la paix dépend.

#### ARTICLE XII.

Tous les Membres de la Société conviennent que, s'il s'élève entre eux un différend susceptible d'entraîner une rupture, ils le soumettront soit à l'arbitrage, soit à l'examen du Conseil. Ils conviennent encore qu'en aucun cas ils ne doivent recourir à la guerre avant l'expiration d'un délai de trois mois après la sentence des arbitres ou le rapport du Conseil.

Dans tous les cas prévus par cet article, la sentence des arbitres doit être rendue dans un délai raisonnable et le rapport du Conseil doit être établi dans les six mois à dater du jour où il aura été saisi du différend.

#### ARTICLE XIII.

Les Membres de la Société conviennent que s'il s'élève entre eux un différend susceptible, à leur avis, d'une solution arbitrale et si ce différend ne peut se régler de façon satisfaisante par la voie diplomatique, l'intégralité de la question sera soumise à l'arbitrage.

Parmi ceux qui sont généralement susceptibles de solution arbitrale on déclare tels les différends relatifs à l'interprétation d'un

taire général convoque immédiatement le Conseil, à la demande de tout Membre de la Société.

Il est, en outre, déclaré que tout Membre de la Société a le droit, à titre amical, d'appeler l'attention de l'Assemblée ou du Conseil sur toute circonstance de nature à affecter les relations internationales qui menace de troubler la paix ou la bonne entente dont elle dépend.

#### ARTICLE XII.

Tous les Membres de la Société conviennent que, s'il s'élève entre eux un différend susceptible d'entraîner une rupture, ils le soumettront soit à la procédure de l'arbitrage, soit à l'examen du Conseil. Ils conviennent encore qu'en aucun cas ils ne doivent recourir à la guerre avant l'expiration d'un délai de trois mois après la sentence des arbitres ou le rapport du Conseil.

#### ARTICLE XIII.

Les Membres de la Société conviennent que s'il s'élève entre eux un différend susceptible, à leur avis, d'une solution arbitrale et si ce différend ne peut se régler de façon satisfaisante par la voie diplomatique, la question sera soumise intégralement à l'arbitrage.

traité, à tout point de droit international, à la réalité de tout fait qui, s'il était établi, constituerait la rupture d'un engagement international, ou à l'étendue ou à la nature de la réparation due pour une telle rupture.

La Cour d'arbitrage à laquelle la cause est soumise est la Cour désignée par les Parties ou prévue dans leurs conventions antérieures.

Les Membres de la Société s'engagent à exécuter de bonne foi les sentences rendues et à ne pas recourir à la guerre contre tout Membre de la Société qui s'y conformera. Faute d'exécution de la sentence, le Conseil propose les mesures qui doivent en assurer l'exécution.

Les Membres de la Société s'engagent à exécuter de bonne foi les sentences rendues et à ne pas recourir à la guerre contre tout Membre de la Société qui s'y conformera. Faute d'exécution de la sentence, le Conseil propose les mesures qui doivent en assurer l'effet.

#### ARTICLE XIV.

Le Conseil est chargé de préparer le plan d'une Cour permanente de justice internationale et de le soumettre aux Membres de la Société. Cette Cour a compétence pour entendre et juger tout différend d'un caractère international que les Parties lui soumettent. Elle donne aussi son avis sur tout différend ou tout point que lui renvoie le Conseil ou l'Assemblée.

#### ARTICLE XIV.

Le Conseil est chargé de préparer un projet de Cour permanente de justice internationale et de le soumettre aux Membres de la Société. Cette Cour connaîtra de tous différends d'un caractère international que les Parties lui soumettront. Elle donnera aussi un avis consultatif sur tout différend ou tout point dont la saisira le Conseil ou l'Assemblée.

#### ARTICLE XV.

S'il s'élève entre les Membres de la Société un différend susceptible d'entraîner une rupture et si ce différend n'est pas soumis à l'arbitrage prévu à l'article 13, les Membres de la Société conviennent de le porter devant le Conseil. A cet effet, il suffit à l'un d'eux d'aviser de ce différend le Secrétaire général qui prend toutes dispositions en vue d'une enquête et d'un examen complets.

#### ARTICLE XV.

S'il s'élève entre les Membres de la Société un différend susceptible d'entraîner une rupture et si ce différend n'est pas soumis à l'arbitrage prévu à l'article 13, les Membres de la Société conviennent de le porter devant le Conseil. A cet effet, il suffit que l'un d'eux avise de ce différend le Secrétaire général qui prend toutes dispositions en vue d'une enquête et d'un examen complets.

Dans le plus bref délai les parties doivent lui communiquer l'exposé de leur cause avec tous faits et pièces justificatives. Le Conseil peut en ordonner la publication immédiate.

Le Conseil s'efforce d'assurer le règlement du différend. S'il y réussit, il publie, dans la mesure qu'il juge utile, un exposé de faits, des explications et des termes du règlement.

Si le différend n'a pu se régler, le Conseil doit présenter et publier un rapport, voté soit à l'unanimité, soit à la majorité des voix, pour exposer les circonstances du différend et faire, à cet égard, toutes recommandations justes et convenables.

Tout État représenté au Conseil peut également publier l'exposé de faits du différend et ses propres conclusions.

Si le rapport du Conseil est accepté à l'unanimité, dans le calcul de laquelle n'entrent pas les Représentants de toute Partie au différend, les Membres de la Société conviennent de ne pas recourir à la guerre envers toute Partie qui se conformera aux recommandations du rapport.

Dans le cas où le Conseil ne réussit pas à établir un rapport qui soit accepté par tous les membres autres que les Représentants de toute Partie au différend, les Membres de la Société se réservent de prendre les mesures convenables pour assurer le maintien du droit et de la justice.

Si l'une des Parties prétend et le Conseil reconnaît que le différend s'élève sur une question

Dans le plus bref délai les parties doivent lui communiquer l'exposé de leur cause avec tous faits pertinents et pièces justificatives. Le Conseil peut en ordonner la publication immédiate.

Le Conseil s'efforce d'assurer le règlement du différend. S'il y réussit, il publie, dans la mesure qu'il juge utile, un exposé relatant les faits, les explications qu'il comporte et les termes de ce règlement.

Si le différend n'a pu se régler, le Conseil rédige et publie un rapport, voté soit à l'unanimité, soit à la majorité des voix, pour faire connaître les circonstances du différend et les solutions qu'il recommande comme étant les plus équitables et les mieux appropriées à l'espèce.

Tout État représenté au Conseil peut également publier un exposé des faits du différend et ses propres conclusions.

Si le rapport du Conseil est accepté à l'unanimité, le vote des Représentants des Parties ne comptant pas dans le calcul de cette unanimité, les Membres de la Société s'engagent à ne recourir à la guerre contre aucune Partie qui se conforme aux conclusions du rapport.

Dans le cas où le Conseil ne réussit pas à établir un rapport qui soit accepté par tous les membres autres que les Représentants de toute Partie au différend, les Membres de la Société se réservent le droit d'agir comme ils le jugeront nécessaire pour le maintien du droit et de la justice.

Si l'une des Parties prétend et si le Conseil reconnaît que le différend porte sur une question que

qui par le droit international est mise exclusivement dans la juridiction intérieure de cette Partie, le Conseil en fera rapport en ce sens mais sans aucune recommandation relative à la solution du différend.

Le Conseil peut, dans tous les cas prévus au présent article, porter le différend devant l'Assemblée. Il en sera ainsi fait à la requête de l'une des Parties; cette requête devra être présentée dans les quatorze jours à dater du moment où le différend est soumis au Conseil.

Dans toute affaire soumise à l'Assemblée, les dispositions du présent article et de l'article 12 relatives à l'action et aux pouvoirs du Conseil s'appliquent également à l'action et aux pouvoirs de l'Assemblée. Il est entendu qu'un rapport fait par l'Assemblée avec l'approbation des Représentants des États représentés au Conseil et d'une majorité des autres Membres de la Société, à l'exclusion, dans chaque cas, des Représentants des Parties, a le même effet qu'un rapport du Conseil approuvé à l'unanimité à l'exclusion des Représentants des Parties.

#### ARTICLE XVI.

Au cas où un Membre de la Société recourt à la guerre, contrairement aux engagements pris aux articles 12, 13 et 15, il est *ipso facto* considéré comme ayant commis un acte de guerre contre tous les autres Membres de la Société. Les Membres de la Société s'engagent à rompre immé-

le droit international laisse à la compétence exclusive de cette Partie, le Conseil le constatera dans un rapport, mais sans recommander aucune solution.

Le Conseil peut, dans tous les cas prévus au présent article, porter le différend devant l'Assemblée. L'Assemblée pourra de même être saisie du différend à la requête de l'une des Parties; cette requête devra être présentée dans les quatorze jours à dater du moment où le différend est porté au Conseil.

Dans toute affaire soumise à l'Assemblée, les dispositions du présent article et de l'article 12 relatives à l'action et aux pouvoirs du Conseil, s'appliquent également à l'action et aux pouvoirs de l'Assemblée. Il est entendu qu'un rapport fait par l'Assemblée avec l'approbation des Représentants des États représentés au Conseil et d'une majorité des autres Membres de la Société, à l'exclusion, dans chaque cas, des Représentants des Parties, a le même effet qu'un rapport du Conseil adopté à l'unanimité de ses membres autre que les Représentants des Parties.

#### ARTICLE XVI.

Au cas où un Membre de la Société recourt à la guerre, contrairement aux engagements pris aux articles 12, 13 et 15, il est *ipso facto* considéré comme ayant commis un acte de guerre contre tous les autres Membres de la Société. Les Membres de la Société s'engagent à rompre immé-

diatement toutes relations commerciales ou financières, à interdire tous rapports entre leurs nationaux et ceux de l'État en rupture de pacte et à faire cesser toutes communications financières, commerciales ou personnelles entre les nationaux de cet État et ceux de tout autre État, Membre ou non de la Société.

En ce cas, il est du devoir du Conseil de recommander aux divers gouvernements intéressés, les contingents militaires et navals qu'ils doivent respectivement fournir pour contribuer aux forces armées destinées à assurer le respect des engagements de la Société.

Les Membres de la Société conviennent, en outre, de se prêter l'un à l'autre un mutuel appui dans l'application des mesures économiques et financières à prendre en vertu du présent article pour réduire au minimum les pertes et les inconvénients qui peuvent en résulter. Ils se prêtent également un mutuel appui pour résister à toute action dirigée contre l'un d'eux par l'État en rupture de pacte. Ils prennent les dispositions nécessaires pour assurer le passage à travers leur territoire aux forces de tout Membre de la Société qui contribue à assurer le respect des engagements de la Société.

Tout Membre de la Société qui a violé l'un des engagements du pacte peut être exclu de la Société par un vote du Conseil émis à l'unanimité des voix, moins la sienne.

diatement avec lui toutes relations commerciales ou financières, à interdire tous rapports entre leurs nationaux et ceux de l'État en rupture de pacte et à faire cesser toutes communications financières, commerciales ou personnelles entre les nationaux de cet État et ceux de tout autre État, Membre ou non de la Société.

En ce cas, il appartient au Conseil de faire connaître aux divers Gouvernements intéressés, les contingents militaires et navals que les Membres de la Société sont respectivement invités à fournir pour contribuer aux forces armées destinées à assurer le respect des engagements de la Société.

Les Membres de la Société conviennent, en outre, de se prêter l'un à l'autre un mutuel appui dans l'application des mesures économiques et financières à prendre en vertu du présent article pour réduire au minimum les pertes et les inconvénients qui peuvent en résulter. Ils se prêtent également un mutuel appui pour résister à toute mesure spéciale dirigée contre l'un d'eux par l'État en rupture de pacte. Ils prennent les dispositions nécessaires pour faciliter le passage à travers leur territoire aux forces de tout Membre de la Société qui participe à une action commune pour imposer le respect des obligations de la Société.

L'exclusion de la Société peut être prononcée contre l'un quelconque de ses Membres qui s'est rendu coupable de la violation d'un des engagements résultant du Pacte. Cette mesure ne peut être prononcée que par un vote

du Conseil émis à l'unanimité, la voix de l'auteur de cette violation n'entrant pas en compte.

## ARTICLE XVII.

En cas de différend entre deux États, dont un seul est ou dont aucun n'est Membre de la Société, l'État ou les États non Membres sont invités à soumettre aux mêmes obligations des Membres aux fins de règlement de leur différend, aux conditions estimées justes par le Conseil. Si l'invitation est acceptée, les dispositions des articles 12 à 16 s'appliquent sous réserve des modifications jugées nécessaires par le Conseil.

Dès l'envoi de cette invitation, le Conseil ouvre une enquête sur les circonstances du différend et recommande telle action qui lui paraît en l'espèce la plus efficace et la meilleure.

Si l'État invité, refuse d'accepter les obligations de Membre de la Société aux fins de règlement du différend, recourt à la guerre contre un Membre de la Société, les dispositions de l'article 16 lui sont applicables.

Si les deux Parties invitées refusent d'accepter les obligations de Membre de la Société aux fins de règlement du différend, le Conseil peut prendre toutes mesures et faire toutes recommandations de nature à prévenir les hostilités et à amener la solution du conflit.

## ARTICLE XVIII.

Tout traité ou engagement international dorénavant conclu par

## ARTICLE XVII.

En cas de différend entre deux États, dont l'un seulement est Membre de la Société ou dont aucun n'en fait partie, l'État ou les États étrangers à la Société sont invités à se soumettre aux obligations qui s'imposent à ses Membres aux fins de règlement de leur différend, aux conditions estimées justes par le Conseil. En cas d'acceptation les dispositions des articles 12 à 16 s'appliquent sous réserve des modifications jugées nécessaires par le Conseil.

Dès l'envoi de cette invitation, le Conseil ouvre une enquête sur les circonstances du différend et propose telle mesure qui lui paraît la meilleure et la plus efficace dans le cas particulier.

Si l'État refuse d'accepter les obligations de Membre de la Société aux fins de règlement du différend et recourt à la guerre contre un Membre de la Société, les dispositions de l'article 16 lui sont applicables.

Si les deux Parties invitées refusent d'accepter les obligations de Membre de la Société aux fins de règlement du différend, le Conseil peut prendre toutes mesures et faire toutes propositions de nature à prévenir les hostilités et à amener la solution du conflit.

## ARTICLE XVIII.

Tout traité ou engagement international conclu à l'avenir par

un Membre de la Société doit être immédiatement enregistré par le Secrétariat qui le publie aussitôt que possible. Désormais nul traité ou engagement international ne sera obligatoire avant l'enregistrement.

## ARTICLE XIX.

L'Assemblée peut, de temps en temps, inviter les Membres de la Société à procéder à un nouvel examen des traités devenus inapplicables ainsi que des situations internationales dont le maintien mettrait en péril la paix du monde.

## ARTICLE XX.

Les Membres de la Société sont respectivement d'accord que le présent Pacte abroge toutes obligations ou ententes *inter se* incompatibles avec ses termes et s'engagent solennellement à n'en pas contracter de nouvelles.

Si avant son entrée dans la Société, un Membre a assumé des obligations incompatibles avec les termes du Pacte, il doit prendre des mesures immédiates pour se dégager de ces obligations.

## ARTICLE XXI.

Nulle disposition du présent Pacte n'est considérée comme affectant la validité des engagements internationaux tels que les traités d'arbitrage ou des ententes régionales, comme la Doctrine de Monroe, qui assurent le maintien de la paix.

## ARTICLE XXII.

Les principes suivants s'appliquent aux colonies et territoires qui, à la suite de la guerre, ont cessé d'être sous la souveraineté

un Membre de la Société devra être immédiatement enregistré par le Secrétariat qui le publie aussitôt que possible. Aucun de ces traités ou engagements internationaux ne sera obligatoire avant d'avoir été enregistré.

## ARTICLE XIX.

L'Assemblée peut, de temps à autre, inviter les Membres de la Société à procéder à un nouvel examen des Traités devenus inapplicables ainsi que des situations internationales dont le maintien pourrait mettre en péril la paix du monde.

## ARTICLE XX.

Les Membres de la Société reconnaissent chacun en ce qui le concerne que le présent Pacte abroge toutes obligations ou ententes *inter se* incompatibles avec ses termes et s'engagent solennellement à n'en pas contracter à l'avenir de semblables.

## ARTICLE XXI.

Les engagements internationaux, tels que les Traités d'arbitrage, et les ententes régionales, comme la Doctrine de Monroe, qui assurent le maintien de la Paix, ne sont considérés comme incompatibles avec aucune des dispositions du présent Pacte.

## ARTICLE XXII.

Les principes suivants s'appliquent aux colonies et territoires qui, à la suite de la guerre, ont cessé d'être sous la souveraineté

des États qui les gouvernaient précédemment et qui sont habités par des peuples non encore capables de se diriger eux-mêmes dans les conditions particulièrement difficiles du monde moderne. Le bien-être et le développement de ces peuples forment une mission sacrée de civilisation, et il convient, en constituant la Société des Nations, d'y incorporer des gages pour l'accomplissement de cette mission.

des États qui les gouvernaient précédemment et qui sont habités par des peuples non encore capables de se diriger eux-mêmes dans les conditions particulièrement difficiles du monde moderne. Le bien-être et le développement de ces peuples forment une mission sacrée de civilisation, et il convient, en constituant la Société des Nations, d'y incorporer des garanties pour l'accomplissement de cette mission.

La meilleure méthode de réaliser pratiquement ce principe est de confier la tutelle de ces peuples aux nations développées qui, en raison de leurs ressources, de leur expérience ou de leur position géographique, sont le mieux à même d'assumer cette responsabilité: elles exerceraient cette tutelle en qualité de Mandataires et au nom de la Société.

Le caractère du mandat doit différer suivant le degré du développement du peuple, la situation géographique du territoire, ses conditions économiques et toutes autres circonstances analogues.

Certaines communautés, qui appartenaient autrefois à l'Empire ottoman, ont atteint un degré de développement tel que leur existence comme nations indépendantes peut être reconnue provisoirement, à la condition que les conseils et l'aide d'une Puissance mandataire guident leur administration jusqu'au moment où elles seront capables de se conduire seules. Les vœux de ces communautés doivent être pris en première considération pour le choix de la Puissance mandataire.

Certaines communautés, qui appartenaient autrefois à l'Empire ottoman, ont atteint un degré de développement tel que leur existence comme nations indépendantes peut être reconnue provisoirement, à la condition que les conseils et l'aide d'un Mandataire guident leur administration jusqu'au moment où elles seront capables de se conduire seules. Les vœux de ces communautés doivent être pris en première considération pour le choix du Mandataire.

Le degré de développement où se trouvent d'autres peuples, spécialement ceux de l'Afrique centrale, exige que le Mandataire y assume l'administration du territoire à des conditions qui garantiront, avec la prohibition d'abus, tels que la traite des esclaves, le

Le degré de développement où se trouvent d'autres peuples, spécialement ceux de l'Afrique centrale, exige que le Mandataire y assume l'administration du territoire à des conditions qui, avec la prohibition d'abus, tels que la traite des esclaves, le trafic des

trafic des armes et celui de l'alcool, la liberté de conscience et de religion, sans autres limitations que celles que peut imposer le maintien de l'ordre public et des mœurs, et l'interdiction d'établir des fortifications ou des bases militaires ou navales et de donner aux indigènes une instruction militaire, si ce n'est pour la police ou la défense du territoire, et qui assureront également aux autres Membres de la Société des conditions d'égalité pour les échanges et le commerce.

Enfin il y a des territoires, tels que le Sud-Ouest africain et certaines îles du Pacifique austral qui, par suite de la faible densité de leur population, de leur superficie restreinte, de leur éloignement des centres de civilisation, de contiguïté géographique à l'État mandataire, ou d'autres circonstances, ne sauraient être mieux administrés que sous les lois de l'État mandataire, comme une partie intégrante de cet État, sous réserve des garanties prévues plus haut dans l'intérêt de la population indigène.

Dans tous les cas, le Mandataire doit envoyer au Conseil un rapport annuel concernant les territoires dont il a la charge.

Si le degré d'autorité, de contrôle ou d'administration à exercer par l'État mandataire n'a pas fait l'objet d'une Convention antérieure entre les Membres de la Société, il sera statué sur ces points expressément par le Conseil.

Une Commission permanente sera chargée de recevoir et d'examiner les rapports annuels des Mandataires et de donner au Conseil son avis sur toutes questions relatives à l'exécution des mandats.

armes et celui de l'alcool, garantiront la liberté de conscience et de religion, sans autres limitations que celles que peut imposer le maintien de l'ordre public et des mœurs, et l'interdiction d'établir des fortifications ou des bases militaires ou navales et de donner aux indigènes une instruction militaire, si ce n'est pour la police ou la défense du territoire, et qui assureront également aux autres Membres de la Société des conditions d'égalité pour les échanges et le commerce.

Enfin il y a des territoires, tels que le Sud-Ouest africain et certaines îles du Pacifique austral qui, par suite de la faible densité de leur population, de leur superficie restreinte, de leur éloignement des centres de civilisation, de contiguïté géographique au territoire du Mandataire, ou d'autres circonstances, ne sauraient être mieux administrés que sous les lois du Mandataire, comme une partie intégrante de son territoire, sous réserve des garanties prévues plus haut dans l'intérêt de la population indigène.

Si le degré d'autorité, de contrôle ou d'administration à exercer par le Mandataire n'a pas fait l'objet d'une Convention antérieure entre les Membres de la Société, il sera statué sur ces points expressément par le Conseil.

## ARTICLE XXIII.

Sous la réserve, et en conformité des dispositions des Conventions internationales actuellement existantes ou qui seront ultérieurement conclues, les Membres de la Société

(a) S'efforceront d'assurer et maintenir des conditions de travail équitables et humaines pour l'homme, la femme et l'enfant sur leurs propres territoires, ainsi que dans tous pays auxquels s'étendent leurs relations de commerce et d'industrie, et, dans ce but, d'établir et entretenir les organisations nécessaires;

(b) S'engagent à assurer le traitement équitable des populations indigènes dans les territoires soumis à leur administration;

(c) Chargent la Société du contrôle général des accords relatifs à la traite des blanches, du trafic de l'opium et autres drogues nuisibles;

(d) Chargent la Société du contrôle général du commerce des armes et des munitions avec les pays où le contrôle de ce commerce est indispensable à l'intérêt commun;

(c) Chargent la Société du contrôle général des accords relatifs à la traite des femmes et des enfants, du trafic de l'opium et autres drogues nuisibles;

(d) Chargent la Société du contrôle général du commerce des armes et des munitions avec les pays où ce contrôle est indispensable à l'intérêt commun;

(e) Prendront les dispositions nécessaires pour assurer la garantie et le maintien de la liberté des communications et du transit, ainsi qu'un équitable traitement du commerce de tous les Membres de la Société, étant entendu que les nécessités spéciales des régions dévastées pendant la guerre de 1914-1918, devront être prises en considération;

(f) S'efforceront de prendre des mesures d'ordre international pour prévenir et combattre les maladies.

## ARTICLE XXIV.

Tous les bureaux internationaux antérieurement établis par traités collectifs seront, sous réserve de l'assentiment des parties, placés sous le contrôle de la Société. Tous autres bureaux et toutes Commissions pour le règlement des affaires d'intérêt international qui se créeront ultérieurement seront placés sous le contrôle de la Société.

Pour toutes questions d'intérêt international réglées par des conventions générales, mais non soumises au contrôle de Commissions ou de bureaux internationaux, le Secrétariat de la Société devra, si les Parties le demandent et si le Conseil y consent, réunir et dis-

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Tous les bureaux internationaux antérieurement établis par traités collectifs seront, sous réserve de l'assentiment des parties, placés sous le contrôle de la Société. Tous autres bureaux et toutes Commissions pour le règlement des affaires d'intérêt international qui seront ultérieurement créés seront placés sous le contrôle de la Société.

tribuer toutes informations utiles et prêter toute l'assistance nécessaire ou désirable.

Le Conseil peut décider de faire rentrer dans les dépenses du Secrétariat celles de tout bureau ou Commission placé sous le contrôle de la Société.

## ARTICLE XXV.

Les Membres de la Société s'engagent à encourager et favoriser l'établissement et la coopération des organisations volontaires nationales, dûment autorisées, de la Croix-Rouge qui ont pour objet l'amélioration de la santé, la défense préventive contre la maladie et l'adoucissement de la souffrance dans le monde.

## ARTICLE XXVI.

Les amendements au présent Pacte entreont en vigueur dès leur ratification par les États dont les représentants composent le Conseil et par la majorité de ceux dont les représentants forment l'Assemblée. Cet amendement ne lie pas un Membre de la Société qui en signifie son dissentiment mais dans ce cas il cesse d'être Membre de la Société.

## ARTICLE XXV.

Les Membres de la Société s'engagent à encourager et favoriser l'établissement et la coopération des organisations volontaires nationales de la Croix-Rouge, dûment autorisées, qui ont pour objet l'amélioration de la santé, la défense préventive contre la maladie et l'adoucissement de la souffrance dans le monde.

## ARTICLE XXVI.

Les amendements au présent Pacte entreront en vigueur dès leur ratification par les États dont les Représentants composent le Conseil et par la majorité de ceux dont les Représentants forment l'Assemblée. Tout Membre de la Société est libre de ne pas accepter les amendements apportés au Pacte, au quel cas il cesse de faire partie de la Société.

## ANNEXE AU PACTE.

*I. Membres originaires de la Société des Nations Signataires du Traité de Paix.*

|                        |            |                   |
|------------------------|------------|-------------------|
| États-Unis d'Amérique. | Chine.     | Libéria.          |
| Belgique.              | Cuba.      | Nicaragua.        |
| Bolivie.               | Équateur.  | Panama.           |
| Brésil.                | France.    | Pérou.            |
| Empire Britannique.    | Grèce.     | Pologne.          |
| Canada.                | Guatémala. | Portugal.         |
| Australie.             | Haïti.     | Roumanie.         |
| Afrique du Sud.        | Hedjaz.    | Serbie.           |
| Nouvelle-Zélande.      | Honduras.  | Siam.             |
| Inde.                  | Italie.    | Tchéco-Slovaquie. |
|                        | Japon.     | Uruguay.          |

*États invités à accéder au Pacte.*

|            |           |            |
|------------|-----------|------------|
| Argentine. | Norvège.  | Suède.     |
| Chili.     | Paraguay. | Suisse.    |
| Colombie.  | Pays-Bas. | Vénézuéla. |
| Danemark.  | Perse.    |            |
| Espagne.   | Salvador. |            |

II. *Premier Secrétaire Général de la Société des Nations.*

**French Print of April 21, 1919**

CONFÉRENCE  
DES  
PRÉLIMINAIRES DE PAIX

PACTE  
DE LA SOCIÉTÉ DES NATIONS.

LES HAUTES PARTIES CONTRACTANTES :

Considérant que, pour développer la coopération entre les Nations et pour leur garantir la paix et la sûreté, il importe :

de prendre des engagements limitant le recours à la guerre,  
d'entretenir au grand jour des relations internationales fondées sur la justice et l'honneur,

d'observer rigoureusement les prescriptions du Droit international, adoptées désormais comme règle de conduite effective des Gouvernements,

de faire régner la justice et de respecter scrupuleusement toutes les obligations des Traités dans les rapports mutuels des peuples organisés,

Adoptent le présent Pacte qui institue la Société des Nations.

I.

COMPOSITION DE LA SOCIÉTÉ DES NATIONS.

ARTICLE PREMIER.

Sont Membres originaires de la Société des Nations, ceux des Signataires dont les noms figurent dans l'annexe au présent Pacte, ainsi que les États, également nommés dans l'annexe, qui auront accédé au présent Pacte sans aucune réserve par une déclaration déposée au Secrétariat dans les deux mois de l'entrée en vigueur du Pacte et dont notification sera faite aux autres Membres de la Société.

Tout État, Dominion ou Colonie qui se gouverne librement, qui n'est pas désigné dans l'annexe, peut devenir Membre de la Société si son admission est prononcée par les deux tiers de l'Assemblée, pourvu qu'il donne des garanties effectives de son intention sincère d'observer ses engagements internationaux et qu'il accepte le règlement établi par la Société en ce qui concerne ses forces et ses armements militaires et navals.

Tout Membre de la Société peut, après un préavis de deux ans, se retirer de la Société, à la condition d'avoir rempli à ce moment

toutes ses obligations internationales y compris celles du présent Pacte.

## II.

### ORGANES, PROCÉDURE, SIÈGE.

#### ARTICLE 2.

L'action de la Société, telle qu'elle est définie dans le présent Pacte, s'exerce par une Assemblée et un Conseil assistés d'un Secrétariat permanent.

#### ARTICLE 3.

L'Assemblée se compose de Représentants des Membres de la Société.

Elle se réunit à des époques fixées et à tout autre moment, si les circonstances le demandent, au siège de la Société ou en tel autre lieu qui pourra être désigné.

L'Assemblée connaît de toute question qui rentre dans la sphère d'activité de la Société ou qui affecte la paix du monde.

Chaque Membre de la Société ne peut compter plus de trois Représentants dans l'Assemblée et ne dispose que d'une voix.

#### ARTICLE 4.

Le Conseil se compose de Représentants des États-Unis d'Amérique, de l'Empire britannique, de la France, de l'Italie et du Japon, ainsi que de représentants de quatre autres États Membres de la Société. Ces quatre États sont désignés librement par l'Assemblée et aux époques qu'il lui plaît de choisir. Jusqu'à la première désignation par l'Assemblée, les Représentants de..... sont membres du Conseil.

Avec l'approbation de la majorité de l'Assemblée, le Conseil peut désigner d'autres États dont la Représentation sera désormais permanente au Conseil. Il peut, avec la même approbation, agumenter le nombre des États à choisir par l'Assemblée pour être représentés au Conseil.

Le Conseil se réunit quand les circonstances le demandent, et au moins une fois par an au siège de la Société ou en tel autre lieu qui pourra être désigné.

Le Conseil connaît de toute question qui rentre dans la sphère d'activité de la Société ou qui affecte la paix du monde.

Tout Membre de la Société qui n'est pas représenté au Conseil est invité à y envoyer siéger un Représentant lorsqu'une question qui l'intéresse particulièrement est portée devant le Conseil.

Chaque État représenté au Conseil ne dispose que d'une voix et n'a qu'un Représentant.

#### ARTICLE 5.

Sauf disposition expressément contraire du présent Pacte, les décisions de l'Assemblée ou du Conseil sont prises à l'unanimité des États représentés à la réunion.

Toutes questions de procédure qui se posent aux réunions de l'Assemblée ou du Conseil, y compris la désignation des Commissions chargées d'enquêter sur des points particuliers, sont réglées par l'Assemblée ou par le Conseil et décidées à la majorité des États représentés à la réunion.

La première réunion de l'Assemblée et la première réunion du Conseil auront lieu sur la convocation du Président des États-Unis d'Amérique.

#### ARTICLE 6.

Le Secrétariat permanent est établi au siège de la Société. Il comprend un Secrétaire général, ainsi que les secrétaires et le personnel nécessaires.

Le premier Secrétaire général est désigné dans l'annexe. Par la suite, le Secrétaire général sera nommé par le Conseil avec l'approbation de la majorité de l'Assemblée.

Les secrétaires et le personnel du Secrétariat sont nommés par le Secrétaire général avec l'approbation du Conseil.

Le Secrétaire général de la Société des Nations est de droit Secrétaire général de l'Assemblée et du Conseil.

Les dépenses du Secrétariat sont supportées par les Membres de la Société dans la proportion établie pour le Bureau international de l'Union postale universelle.

#### ARTICLE 7.

Le siège de la Société est établi à Genève.

Le Conseil peut à tout moment décider de l'établir en tout autre lieu.

Toutes les fonctions de la Société ou des services qui s'y rattachent, y compris le Secrétariat, sont également accessibles aux hommes et aux femmes.

Les Représentants des Membres de la Société et ses agents jouissent dans l'exercice de leurs fonctions des privilèges et immunités diplomatiques.

Les bâtiments et terrains occupés par la Société, par ses services ou ses réunions sont inviolables.

## III.

## RÈGLES DESTINÉES À ASSURER LE MAINTIEN DE LA PAIX.

## ARTICLE 8.

Les Membres de la Société reconnaissent que le maintien de la paix exige la réduction des armements nationaux au minimum compatible avec la sécurité nationale et avec l'exécution des obligations internationales imposée par une action commune.

Le Conseil, tenant compte de la situation géographique et des conditions spéciales de chaque pays, prépare les programmes de ces réductions. Les divers Gouvernements les examinent et en décident.

Ces programmes doivent faire l'objet d'un nouvel examen et s'il y a lieu d'une révision tous les dix ans au moins.

Après son adoption par les divers Gouvernements, la limite des armements ainsi fixée ne peut être dépassée sans le consentement du Conseil.

Considérant que la fabrication privée des munitions et du matériel de guerre soulève de graves objections, les Membres de la Société chargent le Conseil d'aviser aux mesures propres à en éviter les fâcheux effets, en tenant compte des besoins des États qui ne peuvent fabriquer les munitions et le matériel de guerre nécessaires à leur sûreté.

Les Membres de la Société s'engagent à échanger, de la manière la plus franche et la plus complète, tous renseignements relatifs à l'échelle de leurs armements, à leurs programmes militaires et navals et à la condition de celles de leurs industries qui peuvent s'adapter aux fabrications de guerre.

## ARTICLE 9.

Une Commission permanente est formée pour donner au Conseil son avis sur l'exécution des dispositions des articles 1 et 8 et, d'une façon générale, sur les questions militaires et navales.

## ARTICLE 10.

Les Membres de la Société s'engagent à respecter et à maintenir contre toute agression extérieure l'intégrité territoriale et l'indépendance politique présente de tous les Membres de la Société. En cas d'agression, de menace ou de danger d'agression, le Conseil avise aux moyens d'assurer l'exécution de cette obligation.

## ARTICLE 11.

Il est expressément déclaré que toute guerre ou menace de guerre, qu'elle affecte directement ou non l'un des Membres de la

Société, intéresse la Société tout entière et que celle-ci doit prendre les mesures utiles pour sauvegarder efficacement la Paix des Nations. En pareil cas, le Secrétaire général convoque immédiatement le Conseil, à la demande de tout Membre de la Société.

Il est, en outre, déclaré que tout Membre de la Société a le droit, à titre amical, d'appeler l'attention de l'Assemblée ou du Conseil sur toute circonstance de nature à affecter les relations internationales qui menacent de troubler la paix ou la bonne entente entre nations, dont la paix dépend.

#### ARTICLE 12.

Tous les Membres de la Société conviennent que, s'il s'élève entre eux un différend susceptible, d'entraîner une rupture, ils le soumettront soit à la procédure de l'arbitrage, soit à l'examen du Conseil. Ils conviennent encore qu'en aucun cas ils ne doivent recourir à la guerre avant l'expiration d'un délai de trois mois après la sentence des arbitres ou le rapport du Conseil.

Dans tous les cas prévus par cet article, la sentence des arbitres doit être rendue dans un délai raisonnable et le rapport du Conseil doit être établi dans les six mois à dater du jour où il aura été saisi du différend.

#### ARTICLE 13.

Les Membres de la Société conviennent que s'il s'élève entre eux un différend susceptible, à leur avis, d'une solution arbitrale et si ce différend ne peut se régler de façon satisfaisante par la voie diplomatique, la question sera soumise intégralement à l'arbitrage.

Parmi ceux qui sont généralement susceptibles de solution arbitrale on déclare tels les différends relatifs à l'interprétation d'un Traité, à tout point de droit international, à la réalité de tout fait qui, s'il était établi, constituerait la rupture d'un engagement international, ou à l'étendue ou à la nature de la réparation due pour une telle rupture.

La Cour d'arbitrage à laquelle la cause est soumise est la Cour désignée par les Parties ou prévue dans leurs Conventions antérieures.

Les Membres de la Société s'engagent à exécuter de bonne foi les sentences rendues et à ne pas recourir à la guerre contre tout Membre de la Société qui s'y conformera. Faute d'exécution de la sentence, le Conseil propose les mesures qui doivent en assurer l'effet.

#### ARTICLE 14.

Le Conseil est chargé de préparer un projet de Cour permanente de justice internationale et de le soumettre aux Membres de

la Société. Cette Cour connaîtra de tous différends d'un caractère international que les Parties lui soumettront. Elle donnera aussi des avis consultatifs sur tout différend ou tout point dont la saisira le Conseil ou l'Assemblée.

#### ARTICLE 15.

S'il s'élève entre les Membres de la Société un différend susceptible d'entraîner une rupture et si ce différend n'est pas soumis à l'arbitrage prévu à l'article 13, les Membres de la Société conviennent de le porter devant le Conseil. A cet effet, il suffit que l'un d'eux avise de ce différend le Secrétaire général qui prend toutes dispositions en vue d'une enquête et d'un examen complets.

Dans le plus bref délai les Parties doivent lui communiquer l'exposé de leur cause avec tous faits pertinents et pièces justificatives. Le Conseil peut en ordonner la publication immédiate.

Le Conseil s'efforce d'assurer le règlement du différend. S'il y réussit, il publie, dans la mesure qu'il juge utile, un exposé relatant les faits, les explications qu'ils comportent et les termes de ce règlement.

Si le différend n'a pu se régler, le Conseil rédige et publie un rapport, voté soit à l'unanimité, soit à la majorité des voix, pour faire connaître les circonstances du différend et les solutions qu'il recommande comme les plus équitables et les mieux appropriées à l'espèce.

Tout État représenté au Conseil peut également publier un exposé des faits du différend et ses propres conclusions.

Si le rapport du Conseil est accepté à l'unanimité, le vote des représentants des Parties ne comptant pas dans le calcul de cette unanimité, les Membres de la Société s'engagent à ne recourir à la guerre contre aucune Partie qui se conforme aux conclusions du rapport.

Dans le cas où le Conseil ne réussit pas à faire accepter son rapport par tous les Membres autres que les Représentants de toute Partie au différend les Membres de la Société se réservent le droit d'agir comme ils le jugeront nécessaire pour le maintien du droit et de la justice.

Si l'une des Parties prétend et si le Conseil reconnaît que le différend porte sur une question que le droit international laisse à la compétence exclusive de cette Partie, le Conseil le constatera dans un rapport, mais sans recommander aucune solution.

Le Conseil peut, dans tous les cas prévus au présent article, porter le différend devant l'Assemblée. L'Assemblée pourra de même être saisie du différend à la requête de l'une des Parties; cette requête devra être présentée dans les quatorze jours à dater du moment où le différend est porté devant le Conseil.

Dans toute affaire soumise à l'Assemblée, les dispositions du présent article et de l'article 12 relatives à l'action et aux pouvoirs du Conseil, s'appliquent également à l'action et aux pouvoirs de l'Assemblée. Il est entendu qu'un rapport fait par l'Assemblée avec l'approbation des Représentants des États représentés au Conseil et d'une majorité des autres Membres de la Société, à l'exclusion, dans chaque cas, des Représentants des Parties, a le même effet qu'un rapport du Conseil adopté à l'unanimité de ses membres autres que les Représentants des Parties.

#### ARTICLE 16.

Si un Membre de la Société recourt à la guerre, contrairement aux engagements pris aux articles 12, 13 et 15, il est *ipso facto* considéré comme ayant commis un acte de guerre contre tous les autres Membres de la Société. Les Membres de la Société s'engagent à rompre immédiatement avec lui toutes relations commerciales ou financières, à interdire tous rapports entre leurs nationaux et ceux de l'État en rupture de pacte et à faire cesser toutes communications financières, commerciales ou personnelles entre les nationaux de cet État et ceux de tout autre État, Membre ou non de la Société.

En ce cas, il appartient au Conseil de faire connaître aux divers Gouvernements intéressés les contingents militaires et navals que les Membres de la Société sont respectivement invités à fournir pour assurer le respect des engagements de la Société.

Les Membres de la Société conviennent, en outre, de se prêter l'un à l'autre un mutuel appui dans l'application des mesures économiques et financières à prendre, en vertu du présent article pour réduire au minimum les pertes et les inconvénients qui peuvent en résulter. Ils se prêtent également un mutuel appui pour résister à toute mesure spéciale dirigée contre l'un d'eux par l'État en rupture de pacte. Ils prennent les dispositions nécessaires pour faciliter le passage à travers leur territoire aux forces de tout Membre de la Société qui participe à une action commune pour imposer le respect des obligations de la Société.

Peut être exclu de la Société tout Membre qui s'est rendu coupable de la violation d'un des engagements résultant du pacte. L'exclusion est prononcée par le vote de tous les autres Membres de la Société représentés au Conseil.

#### ARTICLE 17.

En cas de différend entre deux États, dont un seulement est membre de la Société ou dont aucun n'en fait partie, l'État ou les

États étrangers à la Société sont invités à se soumettre aux obligations qui s'imposent à ses Membres aux fins de règlement de leur différend, aux conditions estimées justes par le Conseil. Si cette invitation est acceptée, les dispositions des articles 12 à 16 s'appliquent sous réserve des modifications jugées nécessaires par le Conseil.

Dès l'envoi de cette invitation, le Conseil ouvre une enquête sur les circonstances du différend et propose telle mesure qui lui paraît la meilleure et la plus efficace dans le cas particulier.

Si l'État invité, refusant d'accepter les obligations de Membre de la Société aux fins de règlement du différend, recourt à la guerre contre un Membre de la Société, les dispositions de l'article 16 lui sont applicables.

Si les deux Parties invitées refusent d'accepter les obligations de Membre de la Société aux fins de règlement du différend, le Conseil peut prendre toutes mesures et faire toutes propositions de nature à prévenir les hostilités et à amener la solution du conflit.

#### IV.

#### RÉGIME DES TRAITÉS.

##### ARTICLE 18.

Tout traité ou engagement international conclu à l'avenir par un Membre de la Société devra être immédiatement enregistré par le Secrétariat et publié par lui aussitôt que possible. Aucun de ces traités ou engagements internationaux ne sera obligatoire avant d'avoir été enregistré.

##### ARTICLE 19.

L'Assemblée peut, de temps à autre, inviter les Membres de la Société à procéder à un nouvel examen des Traités devenus inapplicables ainsi que des situations internationales dont le maintien pourrait mettre en péril la paix du monde.

##### ARTICLE 20.

Les Membres de la Société reconnaissent chacun, en ce qui le concerne, que le présent Pacte abroge toutes obligations ou ententes *inter se* incompatibles avec ses termes et s'engagent solennellement à n'en pas contracter à l'avenir de semblables.

Si avant son entrée dans la Société, un Membre a assumé des obligations incompatibles avec les termes du Pacte, il doit prendre des mesures immédiates pour se dégager de ces obligations.

## ARTICLE 21.

Les engagements internationaux, tels que les Traités d'arbitrage ou les ententes régionales comme la doctrine de Monroe qui assurent le maintien de la Paix, ne sont considérés comme incompatibles avec aucune des dispositions du présent Pacte.

## V.

## ADMINISTRATION DES INTÉRÊTS INTERNATIONAUX.

## ARTICLE 22.

Les principes suivants s'appliquent aux colonies et territoires qui, à la suite de la guerre, ont cessé d'être sous la souveraineté des États qui les gouvernaient précédemment et qui sont habités par des peuples non encore capables de se diriger eux mêmes, dans les conditions particulièrement difficiles du monde moderne. Le bien-être et le développement de ces peuples forment une mission sacrée de civilisation, et il convient en constituant la Société des Nations, d'y incorporer des garanties pour l'accomplissement de cette mission.

La meilleure méthode de réaliser pratiquement ce principe est de confier la tutelle de ces peuples aux Nations développées qui, en raison de leurs ressources, de leur expérience ou de leur position géographique, sont le mieux à même d'assumer cette responsabilité : elles exerceraient cette tutelle en qualité de Mandataires et au nom de la Société.

Le caractère du mandat doit différer suivant le degré de développement du peuple, la situation géographique du territoire, ses conditions économiques et toutes autres circonstances analogues.

Certaines communautés, qui appartenaient autrefois à l'Empire ottoman, ont atteint un degré de développement tel que leur existence comme nations indépendantes peut être reconnue provisoirement, à la condition que les conseils et l'aide d'un Mandataire guident leur administration jusqu'au moment où elles seront capables de se conduire seules. Les vœux de ces communautés doivent être pris d'abord en considération pour le choix du Mandataire.

Le degré de développement où se trouvent d'autres peuples, spécialement ceux de l'Afrique centrale, exige que le Mandataire y assume l'administration du territoire à des conditions qui, avec la prohibition d'abus, tels que la traite des esclaves, le trafic des armes et celui de l'alcool, garantiront la liberté de conscience et de religion, sans autres limitations que celles que peut imposer le maintien de l'ordre public et des bonnes mœurs et l'interdiction d'établir des fortifications ou des bases militaires ou navales et de donner

aux indigènes une instruction militaire, si ce n'est pour la police ou la défense du territoire, et qui assureront également aux autres Membres de la Société des conditions d'égalité pour les échanges et le commerce.

Enfin il y a des territoires, tels que le Sud-Ouest africain et certaines îles du Pacifique austral qui, par suite de la faible densité de leur population, de leur superficie restreinte, de leur éloignement des centres de civilisation, de leur contiguïté géographique au territoire du mandataire, ou d'autres circonstances, ne sauraient être mieux administrés que sous les lois de l'État Mandataire, comme une partie intégrante de son territoire, sous réserve des garanties prévues plus haut dans l'intérêt de la population indigène.

Dans tous les cas ci-dessus visés le Mandataire doit envoyer au Conseil un rapport annuel concernant les territoires dont il a la charge.

Si le degré d'autorité, de contrôle ou d'administration à exercer par le Mandataire n'a pas fait l'objet d'une Convention antérieure entre les Membres de la Société, il sera expressément statué sur ces points par le Conseil.

Une Commission permanente sera chargée de recevoir et d'examiner les rapports annuels des Mandataires et de donner au Conseil son avis sur toutes questions relatives à l'exécution des mandats.

#### ARTICLE 23.

Sous la réserve, et en conformité des dispositions des Conventions internationales actuellement existantes ou qui seront ultérieurement conclues, les Membres de la Société.

a) S'efforceront d'assurer et maintenir des conditions de travail équitables et humaines pour l'homme, la femme et l'enfant sur leurs propres territoires, ainsi que dans tous pays auxquels s'étendent leurs relations de commerce et d'industrie, et, dans ce but, d'établir et entretenir les organisations nécessaires;

b) S'engagent à assurer le traitement équitable des populations indigènes dans les territoires soumis à leur administration;

c) Chargent la Société du contrôle général des accords relatifs à la traite des femmes et des enfants, du trafic de l'opium et autres drogues nuisibles;

d) Chargent la Société du contrôle général du commerce des armes et des munitions avec les pays où le contrôle de ce commerce est indispensable à l'intérêt commun;

e) Prendront les dispositions nécessaires pour assurer la garantie et le maintien de la liberté des communications et du transit, ainsi qu'un équitable traitement du commerce de tous les Membres de la Société, étant entendu que les nécessités spéciales des régions

dévastées pendant la guerre de 1914-1918, devront être prises en considération;

f) S'efforceront de prendre des mesures d'ordre international pour prévenir et combattre les maladies.

#### ARTICLE 24.

Tous les bureaux internationaux antérieurement établis par traités collectifs seront, sous réserve de l'assentiment des parties, placés sous l'autorité de la Société. Il en sera de même de tous autres bureaux et de toutes Commissions pour le règlement des affaires d'intérêt international qui seront créés ultérieurement.

Pour toutes questions d'intérêt international réglées par des conventions générales, mais non soumises au contrôle de Commissions ou de bureaux internationaux, le Secrétariat de la Société devra, si les Parties le demandent et si le Conseil y consent, réunir et distribuer toutes informations utiles et prêter toute l'assistance nécessaire ou désirable.

Le Conseil peut décider de faire rentrer dans les dépenses du Secrétariat celles de tout bureau ou Commission placé sous l'autorité de la Société.

#### ARTICLE 25.

Les Membres de la Société s'engagent à encourager et favoriser l'établissement et la coopération des organisations volontaires nationales de la Croix-Rouge, dûment autorisées, qui ont pour objet l'amélioration de la santé, la défense préventive contre la maladie et l'adoucissement de la souffrance dans le monde.

### VI.

#### REVISION DU PACTE.

#### ARTICLE 26.

Les amendements au présent Pacte entreront en vigueur dès leur ratification par les États dont les représentants composent le Conseil et par la majorité de ceux dont les représentants forment l'Assemblée.

Tout Membre de la Société est libre de ne pas accepter les amendements apportés au Pacte au quel cas il cesse de faire partie de la Société.

## ANNEXE AU PACTE.

I. *Membres Originaires de la Société des Nations Signataires du Traité de Paix.*

|                        |                   |
|------------------------|-------------------|
| États-Unis d'Amérique. | Haïti.            |
| Belgique.              | Hedjaz.           |
| Bolivie.               | Honduras.         |
| Brésil.                | Italie.           |
| Empire Britannique.    | Japon.            |
| Canada.                | Libéria.          |
| Australie.             | Nicaragua.        |
| Afrique du Sud.        | Panama.           |
| Nouvelle-Zélande.      | Pérou.            |
| Inde.                  | Pologne.          |
| Chine.                 | Portugal.         |
| Cuba.                  | Roumanie.         |
| Équateur.              | Serbie.           |
| France.                | Siam.             |
| Grèce.                 | Tchéco-Slovaquie. |
| Guatémala.             | Uruguay.          |

*États Invités à Accéder au Pacte.*

|            |            |
|------------|------------|
| Argentine. | Pays-Bas.  |
| Chili.     | Perse.     |
| Colombie.  | Salvador.  |
| Danemark.  | Suède.     |
| Espagne.   | Suisse.    |
| Norvège.   | Vénézuéla. |
| Paraguay.  |            |

II. *Premier Secrétaire Général de la Société des Nations.*

**French Print of April 23, 1919**

*[As to this print, see Vol. I, p. 524 sqq. The American-British version of the French text at this stage is indicated by bracketing words desired omitted and printing in italics words desired inserted. The American-British version omitted the chapter headings.]*

CONFÉRENCE  
DES  
PRÉLIMINAIRES DE PAIX.

RAPPORT  
DE LA COMMISSION DE LA SOCIÉTÉ DES NATIONS  
PACTE DE LA SOCIÉTÉ DES NATIONS.

(11 AVRIL 1919.)

Les Hautes Parties Contractantes,

Considérant que, pour développer la coopération entre les Nations et pour leur garantir la paix et la sûreté, il importe  
d'accepter certaines obligations de ne pas recourir à la guerre,  
d'entretenir au grand jour des relations internationales fondées sur la justice et l'honneur,  
d'observer rigoureusement les prescriptions du Droit international, reconnues désormais comme règle de conduite effective des Gouvernements,  
de faire régner la justice et de respecter scrupuleusement toutes les obligations des Traités dans les rapports mutuels des peuples organisés,  
Adoptent le présent Pacte qui institue la Société des Nations.

I.

COMPOSITION DE LA SOCIÉTÉ DES NATIONS.

ARTICLE PREMIER.

Sont Membres originaires de la Société des Nations, ceux des Signataires dont les noms figurent dans l'annexe au présent Pacte, ainsi que les États, également nommés dans l'annexe, qui auront accédé au présent Pacte sans aucune réserve par une déclaration déposée au Secrétariat dans les deux mois de l'entrée en vigueur du Pacte et dont notification sera faite aux autres Membres de la Société.

Tout État, Dominion ou Colonie qui se gouverne librement et qui n'est pas désigné dans l'annexe, peut devenir Membre de la Société si son admission est prononcée par les deux tiers de l'Assemblée, pourvu qu'il donne des garanties effectives de son intention sincère d'observer ses engagements internationaux et qu'il accepte le règlement établi par la Société en ce qui concerne ses forces et ses armements militaires et navals.

Tout Membre de la Société peut, après un préavis de deux ans, se retirer de la Société, à la condition d'avoir rempli à ce moment toutes ses obligations internationales y compris celles du présent Pacte.

## II.

### ORGANES, PROCÉDURE, SIÈGE.

#### ARTICLE 2.

L'action de la Société, telle qu'elle est définie dans le présent Pacte, s'exerce par une Assemblée et *par* un Conseil assistés d'un Secrétariat permanent.

#### ARTICLE 3.

L'Assemblée se compose de Représentants des Membres de la Société.

Elle se réunit à des époques fixées et à tout autre moment, si les circonstances le demandent, au siège de la Société ou en tel autre lieu qui pourra être désigné.

L'Assemblée connaît de toute question qui rentre dans la sphère d'activité de la Société ou qui affecte la paix du monde.

Chaque Membre de la Société ne peut compter plus de trois Représentants dans l'Assemblée et ne dispose que d'une voix.

#### ARTICLE 4.

Le Conseil se compose de Représentants des États-Unis d'Amérique, de l'Empire britannique, de la France, de l'Italie et du Japon, ainsi que de représentants de quatre autres États Membres de la Société. Ces quatre États sont désignés librement par l'Assemblée et aux époques qu'il lui plaît de choisir. Jusqu'à la première désignation par l'Assemblée, les Représentants de .....  
.....sont membres du Conseil.

Avec l'approbation de la majorité de l'Assemblée, le Conseil peut désigner d'autres États dont la Représentation sera désormais permanente au Conseil. Il peut, avec la même approbation, augmenter le nombre des États qui seront choisis par l'Assemblée pour être représentés au Conseil.

Le Conseil se réunit quand les circonstances le demandent, et au moins une fois par an, au siège de la Société ou en tel autre lieu qui pourra être désigné.

Le Conseil connaît de toute question rentrant dans la sphère d'activité de la Société ou affectant la paix du monde.

Tout Membre de la Société qui n'est pas représenté au Conseil est invité à y envoyer siéger un Représentant lorsqu'une question qui l'intéresse particulièrement est portée devant le Conseil.

Chaque État représenté au Conseil ne dispose que d'une voix et n'a qu'un Représentant.

#### ARTICLE 5.

Sauf disposition expressément contraire du présent Pacte, les décisions de l'Assemblée ou du Conseil sont prises à l'unanimité des [États] *Membre de la Société* représentés à la réunion.

Toutes questions de procédure qui se posent aux réunions de l'Assemblée ou du Conseil, y compris la désignation des Commissions chargées d'enquêter sur des points particuliers, sont réglées par l'Assemblée ou par le Conseil et décidées à la majorité des [États] *Membres de la Société* représentés à la réunion.

La première réunion de l'Assemblée et la première réunion du Conseil auront lieu sur la convocation du Président des États-Unis d'Amérique.

#### ARTICLE 6.

Le Secrétariat permanent est établi au siège de la Société. Il comprend un Secrétaire général, ainsi que les secrétaires et le personnel nécessaires.

Le premier Secrétaire général est désigné dans l'annexe. Par la suite, le Secrétaire général sera nommé par le Conseil avec l'approbation de la majorité de l'Assemblée.

Les secrétaires et le personnel du Secrétariat sont nommés par le Secrétaire général avec l'approbation du Conseil.

Le Secrétaire général de la Société [des Nations] est de droit Secrétaire générale de l'Assemblée et du Conseil.

Les dépenses du Secrétariat sont supportées par les Membres de la Société dans la proportion établie pour le Bureau international de l'Union postale universelle.

#### ARTICLE 7.

Le siège de la Société est établi à Genève.

Le Conseil peut à tout moment décider de l'établir en tout autre lieu.

Toutes les fonctions de la Société ou des services qui s'y rattachent, y compris le Secrétariat, sont également accessibles aux hommes et aux femmes.

Les Représentants des Membres de la Société et ses agents jouissent dans l'exercice de leurs fonctions des privilèges et immunités diplomatiques.

Les bâtiments et terrains occupés par la Société, par ses services ou ses réunions sont inviolables.

### III.

#### RÈGLES DESTINÉES À ASSURER LE MAINTIEN DE LA PAIX.

##### ARTICLE 8.

Les Membres de la Société reconnaissent que le maintien de la paix exige la réduction des armements nationaux au minimum compatible avec la sécurité nationale et avec l'exécution des obligations internationales imposée par une action commune.

[Le Conseil doit tenir compte de la situation géographique et des conditions spéciales de chaque État pour établir les plans de cette réduction. Ces plans sont soumis aux divers Gouvernements pour qu'ils les examinent et agissent en conséquence.]

*Le Conseil, tenant compte de la situation géographique et des conditions spéciales de chaque État, prépare les programmes de cette réduction. Les divers Gouvernements les examinent et en décident.*

Ces programmes doivent faire l'objet d'un nouvel examen et, s'il y a lieu, d'une revision tous les dix ans au moins.

Après [son] *leur* adoption par les divers Gouvernements, la limite des armements ainsi fixée ne peut être dépassée sans le consentement du Conseil.

Considérant que la fabrication privée des munitions et du matériel de guerre soulève de graves objections, les Membres de la Société chargent le Conseil d'aviser aux mesures propres à en éviter les fâcheux effets, en tenant compte des besoins des États qui ne peuvent pas fabriquer les munitions et le matériel de guerre nécessaires à leur sûreté.

Les Membres de la Société s'engagent à échanger, de la manière la plus franche et la plus complète, tous renseignements relatifs à l'échelle de leurs armements, à leurs programmes militaires et navals et à la condition de celles de leurs industries susceptibles d'être utilisées pour la guerre.

##### ARTICLE 9.

Une Commission permanente est formée pour donner au Conseil son avis sur l'exécution des dispositions des articles 1 et 8 et, d'une façon générale, sur les questions militaires et navales.

## ARTICLE 10.

Les Membres de la Société s'engagent à respecter et à maintenir contre toute agression extérieure l'intégrité territoriale et l'indépendance politique présente de tous les Membres de la Société. En cas d'agression, de menace ou de danger d'agression, le Conseil avise aux moyens d'assurer l'exécution de cette obligation.

## ARTICLE 11.

Il est expressément déclaré que toute guerre ou menace de guerre, qu'elle affecte directement ou non l'un des Membres de la Société, intéresse la Société tout entière et que celle-ci doit prendre les mesures propres à sauvegarder efficacement la paix des Nations. En pareil cas, le Secrétaire général convoque immédiatement le Conseil, à la demande de tout Membre de la Société.

Il est, en outre, déclaré que tout Membre de la Société a le droit, à titre amical, d'appeler l'attention de l'Assemblée ou du Conseil sur toute circonstance de nature à affecter les relations internationales et qui menace par suite de troubler la paix ou la bonne entente entre nations, dont la paix dépend.

## ARTICLE 12.

Tous les Membres de la Société conviennent que, s'il s'élève entre eux un différend susceptible d'entraîner une rupture, ils le soumettront soit à la procédure de l'arbitrage, soit à l'examen du Conseil. Ils conviennent encore qu'en aucun cas ils ne doivent recourir à la guerre avant l'expiration d'un délai de trois mois après la sentence des arbitres ou le rapport du Conseil.

Dans tous les cas prévus par cet article, la sentence des arbitres doit être rendue dans un délai raisonnable et le rapport du Conseil doit être établi dans les six mois à dater du jour où il aura été saisi du différend.

## ARTICLE 13.

Les Membres de la Société conviennent que s'il s'élève entre eux un différend susceptible, à leur avis, d'une solution arbitrale et si ce différend ne peut se régler de façon satisfaisante par la voie diplomatique, la question sera soumise intégralement à l'arbitrage.

Parmi ceux qui sont généralement susceptibles de solution arbitrale on déclare tels les différends relatifs à l'interprétation d'un Traité, à tout point de droit international, à la réalité de tout fait, qui, s'il était établi, constituerait la rupture d'un engagement international, ou à l'étendue ou à la nature de la réparation due pour une telle rupture.

La Cour d'arbitrage à laquelle la cause est soumise est la Cour

désignée par les Parties ou prévue dans leurs Conventions antérieures.

Les Membres de la Société s'engagent à exécuter de bonne foi les sentences rendues et à ne pas recourir à la guerre contre tout Membre de la Société qui s'y conformera. Faute d'exécution de la sentence, le Conseil propose les mesures qui doivent en assurer l'effet.

#### ARTICLE 14.

Le Conseil est chargé de préparer un projet de Cour permanente de justice internationale et de le soumettre aux Membres de la Société. Cette Cour connaîtra de tous différends d'un caractère international que les Parties lui soumettront. Elle donnera aussi des avis consultatifs sur tout différend ou tout point dont la saisira le Conseil ou l'Assemblée.

#### ARTICLE 15.

S'il s'élève entre les Membres de la Société un différend susceptible d'entraîner une rupture et si ce différend n'est pas soumis à l'arbitrage prévu à l'article 13, les Membres de la Société conviennent de le porter devant le Conseil. A cet effet, il suffit que l'un d'eux avise de ce différend le Secrétaire général qui prend toutes dispositions en vue d'une enquête et d'un examen complets.

Dans le plus bref délai les Parties doivent lui communiquer l'exposé de leur cause avec tous faits pertinents et pièces justificatives. Le Conseil peut en ordonner la publication immédiate.

Le Conseil s'efforce d'assurer le règlement du différend. S'il y réussit, il publie, dans la mesure qu'il juge utile, un exposé relatant les faits, les explications qu'ils comportent et les termes de ce règlement.

Si le différend n'a pu se régler, le Conseil rédige et publie un rapport, voté soit à l'unanimité, soit à la majorité des voix, pour faire connaître les circonstances du différend et les solutions qu'il recommande comme les plus équitables et les mieux appropriées à l'espèce.

Tout État représenté au Conseil peut également publier un exposé des faits du différend et ses propres conclusions.

Si le rapport du Conseil est accepté à l'unanimité, le vote des représentants des Parties ne comptant pas dans le calcul de cette unanimité, les Membres de la Société s'engagent à ne recourir à la guerre contre aucune Partie qui se conforme aux conclusions du rapport.

Dans le cas où le Conseil ne réussit pas à faire accepter son rapport par tous les Membres autres que les Représentants de toute Partie au différend, les Membres de la Société se réservent le droit

d'agir comme ils le jugeront nécessaire pour le maintien du droit et de la justice.

Si l'une des Parties prétend et si le Conseil reconnaît que le différend porte sur une question que le droit international laisse à la compétence exclusive de cette Partie, le Conseil le constatera dans un rapport, mais sans recommander aucune solution.

Le conseil peut, dans tous les cas prévus au présent article, porter le différend devant l'Assemblée. L'Assemblée pourra de même être saisie du différend à la requête de l'une des Parties; cette requête devra être présentée dans les quatorze jours à dater du moment où le différend est porté devant le Conseil.

Dans toute affaire soumise à l'Assemblée, les dispositions du présent article et de l'article 12 relatives à l'action et aux pouvoirs du Conseil, s'appliquent également à l'action et aux pouvoirs de l'Assemblée. Il est entendu qu'un rapport fait par l'Assemblée avec l'approbation des Représentants des États représentés au Conseil et d'une majorité des autres Membres de la Société, à l'exclusion, dans chaque cas, des Représentants des Parties, a le même effet qu'un rapport du Conseil adopté à l'unanimité de ses membres autres que les Représentants des Parties.

#### ARTICLE 16.

Si un Membre de la Société recourt à la guerre, contrairement aux engagements pris aux articles 12, 13 et 15, il est *ipso facto* considéré comme ayant commis un acte de guerre contre tous les autres Membres de la Société. Ceux-ci s'engagent à rompre immédiatement avec lui toutes relations commerciales ou financières, à interdire tous rapports entre leurs nationaux et ceux de l'État en rupture de pacte et à faire cesser toutes communications financières, commerciales ou personnelles entre les nationaux de cet État et ceux de tout autre État, Membre ou non de la Société.

[Encore, le Conseil a le devoir de faire connaître aux divers Gouvernements intéressés par quels effectifs militaires et navals les Membres de la Société contribueront respectivement à la constitution de la force armée qui doit assurer le respect des engagements de la Société.]

*En ce cas, il appartient au Conseil de faire connaître aux divers Gouvernements intéressés, les contingents militaires et navals que les Membres de la Société sont respectivement invités à fournir pour contribuer aux forces armées destinées à assurer le respect des engagements de la Société.*

Les Membres de la Société conviennent, en outre, de se prêter l'un à l'autre un mutuel appui dans l'application des mesures économiques et financières à prendre en vertu du présent article pour réduire au minimum les pertes et les inconvénients qui peuvent en

résulter. Ils se prêtent également un mutuel appui pour résister à toute mesure spéciale dirigée contre l'un d'eux par l'État en rupture de pacte. Ils prennent les dispositions nécessaires pour faciliter le passage à travers leur territoire des forces de tout Membre de la Société qui participe à une action commune pour imposer le respect des obligations de la Société.

Peut être exclu de la Société tout Membre qui s'est rendu coupable de la violation d'un des engagements résultant du pacte. L'exclusion est prononcée par le vote de tous les autres Membres de la Société représentés au Conseil.

#### ARTICLE 17.

En cas de différend entre deux États, dont un seulement est membre de la Société ou dont aucun n'en fait partie, l'État ou les États étrangers à la Société sont invités à se soumettre aux obligations qui s'imposent à ses Membres aux fins de règlement de [leurs différends] *leur différend*, aux conditions estimées justes par le Conseil. Si cette invitation est acceptée, les dispositions des articles 12 à 16 s'appliquent sous réserve des modifications jugées nécessaires par le Conseil.

Dès l'envoi de cette invitation, le Conseil ouvre une enquête sur les circonstances du différend et propose telle mesure qui lui paraît la meilleure et la plus efficace dans le cas particulier.

Si l'État invité, refusant d'accepter les obligations de Membre de la Société aux fins de règlement du différend, recourt à la guerre contre un Membre de la Société, les dispositions de l'article 16 lui sont applicables.

Si les deux Parties invitées refusent d'accepter les obligations de Membre de la Société aux fins de règlement du différend, le Conseil peut prendre toutes mesures et faire toutes propositions de nature à prévenir les hostilités et à amener la solution du conflit.

### IV.

#### RÉGIME DES TRAITÉS.

#### ARTICLE 18.

Tout traité ou engagement international conclu à l'avenir par un Membre de la Société devra être immédiatement enregistré par le Secrétariat et publié par lui aussitôt que possible. Aucun de ces traités ou engagements internationaux ne sera obligatoire avant d'avoir été enregistré.

#### ARTICLE 19.

L'Assemblée peut, de temps à autre, inviter les Membres de la Société à procéder à un nouvel examen des Traités devenus inappli-

cables ainsi que des situations internationales dont le maintien pourrait mettre en péril la paix du monde.

## ARTICLE 20.

Les Membres de la Société reconnaissent chacun, en ce qui le concerne, que le présent Pacte abroge toutes obligations ou ententes *inter se* incompatibles avec ses termes et s'engagent solennellement à n'en pas contracter à l'avenir de semblables.

Si avant son entrée dans la Société, un Membre a assumé des obligations incompatibles avec les termes du Pacte, il doit prendre des mesures immédiates pour se dégager de ces obligations.

## ARTICLE 21.

Les engagements internationaux, tels que les Traités d'arbitrage [ou] *et* les ententes régionales comme la doctrine de Monroe qui assurent le maintien de la paix, ne sont considérés comme incompatibles avec aucune des dispositions du présent Pacte.

## V.

## ADMINISTRATION DES INTÉRÊTS INTERNATIONAUX.

## ARTICLE 22.

Les principes suivants s'appliquent aux colonies et territoires qui, à la suite de la guerre, ont cessé d'être sous la souveraineté des États qui les gouvernaient précédemment et qui sont habités par des peuples non encore capables de se diriger eux-mêmes dans les conditions particulièrement difficiles du monde moderne. Le bien-être et le développement de ces peuples forment une mission sacrée de civilisation, et il convient, [en constituant la Société des Nations, d'y] *d'incorporer au présent Pacte* des garanties pour l'accomplissement de cette mission.

La meilleure méthode de réaliser pratiquement ce principe est de confier la tutelle de ces peuples aux Nations développées qui, en raison de leurs ressources, de leur expérience ou de leur position géographique, sont le mieux à même d'assumer cette responsabilité *et qui consentent à l'accepter*; elles exerceraient cette tutelle en qualité de mandataires et au nom de la Société.

Le caractère du mandat doit différer suivant le degré de développement du peuple, la situation géographique du territoire, ses conditions économiques et toutes autres circonstances analogues.

Certaines communautés, qui appartenaient autrefois à l'Empire ottoman, ont atteint un degré de développement tel que leur existence comme nations indépendantes peut être reconnue provisoire-

ment, à la condition que les conseils et l'aide d'un mandataire guident leur administration jusqu'au moment où elles seront capables de se conduire seules. Les vœux de ces communautés doivent être pris [d'abord] en *première* considération pour le choix du mandataire.

Le degré de développement où se trouvent d'autres peuples, spécialement ceux de l'Afrique centrale, exige que le mandataire y assume l'administration du territoire à des conditions qui, avec la prohibition d'abus, tels que la traite des esclaves, le trafic des armes et celui de l'alcool, garantiront la liberté de conscience et de religion, sans autres limitations que celles que peut imposer le maintien de l'ordre public et des bonnes mœurs, l'interdiction d'établir des fortifications ou des bases militaires ou navales et de donner aux indigènes une instruction militaire, si ce n'est pour la police ou la défense du territoire, et qui assureront également aux autres Membres de la Société des conditions d'égalité pour les échanges et le commerce.

Enfin il y a des territoires, tels que le Sud-Ouest africain et certaines îles du Pacifique austral qui, par suite de la faible densité de leur population, de leur superficie restreinte, de leur éloignement des centres de civilisation, de leur contiguïté géographique au territoire du mandataire, ou d'autres circonstances, ne sauraient être mieux administrés que sous les lois [de l'État] *du* mandataire, comme une partie intégrante de son territoire, sous réserve des garanties prévues plus haut dans l'intérêt de la population indigène.

Dans tous les cas [ci-dessus visés], le mandataire doit envoyer au Conseil un rapport annuel concernant les territoires dont il a la charge.

Si le degré d'autorité, de contrôle ou d'administration à exercer par le mandataire n'a pas fait l'objet d'une Convention antérieure entre les Membres de la Société, il sera expressément statué sur ces points par le Conseil.

Une Commission permanente sera chargée de recevoir et d'examiner les rapports annuels des mandataires et de donner au Conseil son avis sur toutes questions relatives à l'exécution des mandats.

#### ARTICLE 23.

Sous la réserve, et en conformité des dispositions des Conventions internationales actuellement existantes ou qui seront ultérieurement conclues, les Membres de la Société

a) S'efforceront d'assurer et de maintenir des conditions de travail équitables et humaines pour l'homme, la femme et l'enfant sur leurs propres territoires, ainsi que dans tous pays auxquels s'étendent leurs relations de commerce et d'industrie, et, dans ce but, d'établir et d'entretenir les organisations *internationales* nécessaires;

b) S'engagent à assurer le traitement équitable des populations indigènes dans les territoires soumis à leur administration;

c) Chargent la Société du contrôle général des accords relatifs à la traite des femmes et des enfants, du trafic de l'opium et autres drogues nuisibles;

d) Chargent la Société du contrôle général du commerce des armes et des munitions avec les pays où le contrôle de ce commerce est indispensable à l'intérêt commun;

e) Prendront les dispositions nécessaires pour assurer la garantie et le maintien de la liberté des communications et du transit, ainsi qu'un équitable traitement du commerce de tous les Membres de la Société, étant entendu que les nécessités spéciales des régions dévastées pendant la guerre de 1914-1918 devront être prises en considération;

f) S'efforceront de prendre des mesures d'ordre international pour prévenir et combattre les maladies.

#### ARTICLE 24.

Tous les bureaux internationaux antérieurement établis par traités collectifs seront, sous réserve de l'assentiment des parties, placés sous l'autorité de la Société. Il en sera de même de tous autres bureaux et de toutes Commissions pour le règlement des affaires d'intérêt international qui seront créés ultérieurement.

Pour toutes questions d'intérêt international réglées par des conventions générales, mais non soumises au contrôle de Commissions ou de bureaux internationaux, le Secrétariat de la Société devra, si les Parties le demandent et si le Conseil y consent, réunir et distribuer toutes informations utiles et prêter toute l'assistance nécessaire ou désirable.

Le Conseil peut décider de faire rentrer dans les dépenses du Secrétariat celles de tout bureau ou Commission placé sous l'autorité de la Société.

#### ARTICLE 25.

Les Membres de la Société s'engagent à encourager et favoriser l'établissement et la coopération des organisations volontaires nationales de la Croix-Rouge, dûment autorisées, qui ont pour objet l'amélioration de la santé, la défense préventive contre la maladie et l'adoucissement de la souffrance dans le monde.

### VI.

#### REVISION DU PACTE.

#### ARTICLE 26.

Les amendements au présent Pacte entreront en vigueur dès leur ratification par les États dont les représentants composent le

Conseil et par la majorité de ceux dont les représentants forment l'Assemblée.

Tout Membre de la Société est libre de ne pas accepter les amendements apportés au Pacte auquel cas il cesse de faire partie de la Société.

## ANNEXE AU PACTE.

### I. *Membres Originaires de la Société des Nations Signataires du Traité de Paix.*

|                        |                   |
|------------------------|-------------------|
| États-Unis d'Amérique. | Haïti.            |
| Belgique.              | Hedjaz.           |
| Bolivie.               | Honduras.         |
| Brésil.                | Italie.           |
| Empire Britannique.    | Japon.            |
| Canada.                | Libéria.          |
| Australie.             | Nicaragua.        |
| Afrique du Sud.        | Panama.           |
| Nouvelle-Zélande.      | Pérou.            |
| Inde.                  | Pologne.          |
| Chine.                 | Portugal.         |
| Cuba.                  | Roumanie.         |
| Équateur.              | Serbie.           |
| France.                | Siam.             |
| Grèce.                 | Tchéco-Slovaquie. |
| Guatémala.             | Uruguay.          |

*États invités à Accéder au Pacte.*<sup>1</sup>

.....

### II. *Premier Secrétaire Général de la Société des Nations.*

.....

<sup>1</sup> The American-British version included the names of the thirteen Neutrals, as in Document 38.

**Report (French) of the Commission on the League of Nations,  
April 28, 1919**

*[In this Report as it forms part of Protocol No. 5 of the Plenary Session of the Peace Conference of April 28, 1919, certain corrections, which are here indicated in footnotes, had not been made. See Vol. I, p. 529.]*

CONFÉRENCE  
DES  
PRÉLIMINAIRES DE PAIX

**RAPPORT**

PRÉSENTÉ

A LA CONFÉRENCE DES PRÉLIMINAIRES DE PAIX

PAR

LA COMMISSION DE LA SOCIÉTÉ DES NATIONS.

**I. TERMES DU MANDAT.**

La Conférence des Préliminaires de Paix, dans sa séance plénière du 25 janvier 1919 (Protocole n° 2) a décidé de nommer une Commission pour élaborer, dans le détail, la constitution et les attributions d'une Société des Nations.

Les termes du mandat de cette Commission étaient les suivants :

La Conférence, ayant examiné les propositions relatives à la création d'une Société des Nations, décide que :

"a) Il est essentiel pour le maintien du statut mondial que les Nations associées ont maintenant à établir, de créer une Société des Nations, organe de coopération internationale qui assurera l'accomplissement des obligations internationales contractées et fournira des sauvegardes contre la guerre.

"b) Cette Société, dont la création ferait partie intégrante du Traité général de paix devrait être ouverte à toute Nation civilisée à qui on pourrait se fier pour en favoriser les desseins.

"c) Les membres de la Société se réuniraient périodiquement en Conférence internationale ; ils auraient une organisation permanente et un Secrétariat pour suivre les affaires de la Société dans l'intervalle des Conférences."

La Conférence a nommé en conséquence une Commission représentant les Gouvernements associés pour élaborer, dans le détail, la constitution et les attributions de la Société.

Cette Commission devait se composer de quinze membres, à

savoir : deux représentants pour chacune des Grandes Puissances (États-Unis d'Amérique, Empire britannique, France, Italie et Japon) et cinq représentants pour les Puissances à intérêts particuliers. Dans une réunion de ces dernières Puissances, tenue le 27 janvier 1919, les pays suivants : Belgique, Brésil, Chine, Portugal et Serbie, ont été choisis pour envoyer chacun un Délégué. (Voir Annexe 6 du Protocole n° 2.)

## 2. CONSTITUTION DE LA COMMISSION.

La Commission a donc été à l'origine composée comme suit :

### POUR LES ÉTATS-UNIS D'AMÉRIQUE :

Le Président des États-Unis d'Amérique ;  
Honorable Edward M. House.

### POUR L'EMPIRE BRITANNIQUE :

The Rt. Hon. the Lord Robert Cecil, K. C., M.P. ;  
Lieutenant General the Rt. Hon. J. C. Smuts, K.C., Ministre  
de défense de l'Union du Sud de l'Afrique.

### POUR LA FRANCE :

M. Léon Bourgeois, Sénateur, ancien Président du Conseil des  
Ministres et ministre des Affaires Étrangères ;  
M. Larnaude, Doyen de la Faculté de Droit de Paris.

### POUR L'ITALIE :

M. Orlando, Président du Conseil ;  
M. Scialoja, Sénateur du Royaume.

### POUR LE JAPON :

Baron Makino, ancien Ministre des Affaires Étrangères,  
Membre du Conseil Diplomatique ;  
Vicomte Chinda, Ambassadeur Extraordinaire et Ministre  
Plénipotentiaire de l'Empereur du Japon à Londres.

### POUR LA BELGIQUE :

M. Hymans, Ministre des Affaires Étrangères et Ministre  
d'État.

### POUR LE BRÉSIL :

M. Epitacio Pessoa, Sénateur, ancien Ministre de la Justice.

### POUR LA CHINE :

M. V. K. Wellington Koo, Envoyé Extraordinaire et Minis-  
tre Plénipotentiaire de Chine à Washington.

M. Jayme Batalha-Reis, Envoyé Extraordinaire et Ministre Plénipotentiaire de Portugal à Pétersbourg.

POUR LE PORTUGAL :

POUR LA SERBIE :

M. Vesnitch, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté le Roi de Serbie à Paris.

La Conférence a renvoyé à la Commission pour examen la requête de quatre autres Puissances—Grèce, Pologne, Roumanie et République Tchéco-Slovaque—qui désiraient être représentées à la Commission. Conformément à l'avis de la Commission, les quatre Membres suivants ont été admis aux séances dès le 6 février 1919.

POUR LA GRÈCE :

M. Eleftherios Venizelos, Président du Conseil des Ministres.

POUR LA POLOGNE :

M. Roman Dmowski, Président du Comité National Polonais.

POUR LA ROUMANIE :

M. Diamandy, Ministre Plénipotentiaire de Roumanie.

POUR LA RÉPUBLIQUE TCHÉCO-SLOVAQUE :

M. Charles Kramar, Président du Conseil des Ministres.

### 3. PREMIER RAPPORT DE LA COMMISSION.

Entre la date de sa constitution et le 14 février la Commission s'est réunie dix fois. Ces réunions ont conduit à l'adoption du projet de Pacte pour la Société des Nations dont le texte suit, et qui a été lu par le Président, en séance plénière de la Conférence le 14 février 1919. (Protocole n° 3.)

## PROJET DE PACTE.

(14 FÉVRIER 1919.)

*(Omitted here; for text see Annex II to the minutes of the Tenth Meeting in Document 20.)*

### 4. RÉUNIONS ULTÉRIEURES DE LA COMMISSION.

Le projet de Pacte du 14 février a été rendu public en vue de provoquer la discussion de ses termes. Cette publication a donné lieu à un certain nombre d'observations utiles. Diverses sugges-

tions additionnelles ont été faites, d'autre part, par les Représentants de 13 États neutres au cours de leur réception par une Sous-Commission les 20 et 21 mars.<sup>1</sup>

L'ensemble de ces propositions a été examiné par la Commission qui s'est réunie les 22, 24 et 26 mars, et les 10 et 11 avril. La Commission a reçu au début de la séance du 10 avril une Délégation du Conseil international des Femmes et de la Conférence pour le suffrage des Femmes des Pays Alliés et des États-Unis.

#### 5. RAPPORT DÉFINITIF DE LA COMMISSION.

Aux réunions des 10 et 11 avril, la Commission a définitivement adopté le texte de Pacte suivant, qui est présenté à la Conférence.

### PACTE

#### DE LA SOCIÉTÉ DES NATIONS.

Les Hautes Parties Contractantes,

Considérant que, pour développer la coopération entre les Nations et pour leur garantir la paix et la sûreté, il importe

d'accepter certaines obligations de ne pas recourir à la guerre, d'entretenir au grand jour des relations internationales fondées sur la justice et l'honneur,

d'observer rigoureusement les prescriptions du Droit international reconnues désormais comme règle de conduite effective des Gouvernements,

de faire régner la justice et de respecter scrupuleusement toutes les obligations des Traités dans les rapports mutuels des peuples organisés,

Adoptent le présent Pacte qui institue la Société des Nations.

#### ARTICLE PREMIER.

#### COMPOSITION DE LA SOCIÉTÉ

Sont Membres originaires de la Société des Nations, ceux des Signataires dont les noms figurent dans l'annexe au présent Pacte, ainsi que les États, également nommés dans l'annexe, qui auront accédé au présent Pacte sans aucune réserve par une déclaration déposée au Secrétariat dans les deux mois de l'entrée en vigueur du Pacte et dont notification sera faite aux autres Membres de la Société.

<sup>1</sup> In an earlier draft this paragraph read as follows:

"Le projet de Pacte du 14 février a été rendu public en vue de provoquer la discussion de ses termes. Cette publication a donné lieu à des critiques et à des suggestions.

"Les représentants des 13 États neutres, entendus par une Sous-Commission, les 20 et 21 mars, ont proposé à titre officieux divers amendements."

Tout État, Dominion ou Colonie qui se gouverne librement et qui n'est pas désigné dans l'annexe, peut devenir Membre de la Société si son admission est prononcée par les deux tiers de l'Assemblée, pourvu qu'il donne des garanties effectives de son intention sincère d'observer ses engagements internationaux et qu'il accepte le règlement établi par la Société en ce qui concerne ses forces et ses armements militaires et navals.

Tout Membre de la Société peut, après un préavis de deux ans, se retirer de la Société, à la condition d'avoir rempli à ce moment toutes ses obligations internationales y compris celles du présent Pacte.

#### ARTICLE 2.

##### ORGANES

L'action de la Société, telle qu'elle est définie dans le présent Pacte, s'exerce par une Assemblée et par un Conseil assistés d'un Secrétariat permanent.

#### ARTICLE 3.

##### ASSEMBLÉE

L'Assemblée se compose de Représentants des Membres de la Société.

Elle se réunit à des époques fixées et à tout autre moment, si les circonstances le demandent, au siège de la Société ou en tel autre lieu qui pourra être désigné.

L'Assemblée connaît de toute question qui rentre dans la sphère d'activité de la Société ou qui affecte la paix du monde.

Chaque Membre de la Société ne peut compter plus de trois Représentants dans l'Assemblée et ne dispose que d'une voix.

#### ARTICLE 4.

##### CONSEIL

Le Conseil se compose de Représentants des États-Unis d'Amérique, de l'Empire Britannique, de la France, de l'Italie et du Japon, ainsi que de Représentants de quatre autres Membres de la Société. Ces quatre Membres de la Société<sup>1</sup> sont désignés librement par l'Assemblée et aux époques qu'il lui plaît de choisir. Jusqu'à la première désignation par l'Assemblée, les Représentants de.....  
.....sont membres du Conseil.

Avec l'approbation de la majorité de l'Assemblée, le Conseil peut désigner d'autres Membres de la Société<sup>1</sup> dont la représentation sera désormais permanente au Conseil. Il peut, avec la même appro-

bation, augmenter le nombre des Membres de la Société qui seront choisis par l'Assemblée pour être représentés au Conseil.

Le Conseil se réunit quand les circonstances le demandent, et au moins une fois par an, au siège de la Société ou en tel autre lieu qui pourra être désigné.

Le Conseil connaît de toute question rentrant dans la sphère d'activité de la Société ou affectant la paix du monde.

Tout Membre de la Société qui n'est pas représenté au Conseil est invité à y envoyer siéger un Représentant lorsqu'une question qui l'intéresse particulièrement est portée devant le Conseil.

Chaque Membre de la Société représenté au Conseil ne dispose que d'une voix et n'a qu'un Représentant.

#### ARTICLE 5.

##### PROCÉDURE

Sauf disposition expressément contraire du présent Pacte, les décisions de l'Assemblée ou du Conseil sont prises à l'unanimité des Membres de la Société <sup>1</sup> représentés à la réunion.

Toutes questions de procédure qui se posent aux réunions de l'Assemblée ou du Conseil, y compris la désignation des Commissions chargées d'enquêter sur des points particuliers, sont réglées par l'Assemblée ou par le Conseil et décidées à la majorité des Membres de la Société représentés à la réunion.

La première réunion de l'Assemblée et la première réunion du Conseil auront lieu sur la convocation du Président des États-Unis d'Amérique.

#### ARTICLE 6.

##### SECRÉTARIAT

Le Secrétariat permanent est établi au siège de la Société. Il comprend un Secrétaire général, ainsi que les secrétaires et le personnel nécessaires.

Le premier Secrétaire général est désigné dans l'annexe. Par la suite, le Secrétaire général sera nommé par le Conseil avec l'approbation de la majorité de l'Assemblée.

Les secrétaires et le personnel du Secrétariat sont nommés par le Secrétaire général avec l'approbation du Conseil.

Le Secrétaire général de la Société est de droit Secrétaire général de l'Assemblée et du Conseil.

Les dépenses du Secrétariat sont supportées par les Membres de la Société dans la proportion établie pour le Bureau international de l'Union postale universelle.

<sup>1</sup> The words "de la Société" were omitted in the Report.

## ARTICLE 7.

## SIÈGE ET IMMUNITÉS

Le siège de la Société est établi à Genève.

Le Conseil peut à tout moment décider de l'établir en tout autre lieu.

Toutes les fonctions de la Société ou des services qui s'y rattachent, y compris le Secrétariat, sont également accessibles aux hommes et aux femmes.

Les Représentants des Membres de la Société et ses agents jouissent dans l'exercice de leurs fonctions des privilèges et immunités diplomatiques.

Les bâtiments et terrains occupés par la Société, par ses services ou ses réunions sont inviolables.

## ARTICLE 8.

## LIMITATION DES ARMEMENTS

Les Membres de la Société reconnaissent que le maintien de la paix exige la réduction des armements nationaux au minimum compatible avec la sécurité nationale et avec l'exécution des obligations internationales imposée par une action commune.

Le Conseil, tenant compte de la situation géographique et des conditions spéciales de chaque État <sup>1</sup> prépare les plans de cette réduction, en vue de l'examen et de la décision des divers Gouvernements.

Ces plans <sup>2</sup> doivent faire l'objet d'un nouvel examen et, s'il y a lieu, d'une revision tous les dix ans au moins.

Après leur adoption par les divers Gouvernements, la limite des armements ainsi fixée ne peut-être dépassée sans le consentement du Conseil.

Considérant que la fabrication privée des munitions et du matériel de guerre soulève de graves objections, les Membres de la Société chargent le Conseil d'aviser aux mesures propres à en éviter les fâcheux effets, en tenant compte des besoins des Membres de la Société qui ne peuvent pas fabriquer les munitions et le matériel de guerre nécessaires à leur sûreté.

Les Membres de la Société s'engagent à échanger, de la manière la plus franche et la plus complète, tous renseignements relatifs à l'échelle de leurs armements, à leurs programmes militaires et navals et à la condition de celles de leurs industries susceptibles d'être utilisées pour la guerre.

<sup>1</sup> Printed, "État-Membre" in the Report.

<sup>2</sup> Printed "programmes" in the Report.

## ARTICLE 9.

## COMMISSION MILITAIRE ET NAVALE

Une Commission permanente est formée pour donner au Conseil son avis sur l'exécution des dispositions des articles 1 et 8 et, d'une façon générale, sur les questions militaires et navales.

## ARTICLE 10.

## GARANTIE DE TERRITOIRE ET D'INDÉPENDANCE

Les Membres de la Société s'engagent à respecter et à maintenir contre toute agression extérieure l'intégrité territoriale et l'indépendance politique présente de tous les Membres de la Société. En cas d'agression, de menace ou de danger d'agression, le Conseil avise aux moyens d'assurer l'exécution de cette obligation.

## ARTICLE 11.

## MENACES DE GUERRE

Il est expressément déclaré que toute guerre ou menace de guerre, qu'elle affecte directement ou non l'un des Membres de la Société, intéresse la Société tout entière et que celle-ci doit prendre les mesures propres à sauvegarder efficacement la paix des Nations. En pareil cas, le Secrétaire général convoque immédiatement le Conseil, à la demande de tout Membre de la Société.

Il est, en outre, déclaré que tout Membre de la Société a le droit, à titre amical, d'appeler l'attention de l'Assemblée ou du Conseil sur toute circonstance de nature à affecter les relations internationales et qui menace par suite de troubler la paix ou la bonne entente entre nations dont la paix dépend.

## ARTICLE 12.

## PROCÉDURE EN CAS DE DIFFÉREND

Tous les Membres de la Société conviennent que, s'il s'élève entre eux un différend susceptible d'entraîner une rupture, ils le soumettront soit à la procédure de l'arbitrage, soit à l'examen du Conseil. Ils conviennent encore qu'en aucun cas ils ne doivent recourir à la guerre avant l'expiration d'un délai de trois mois après la sentence des arbitres ou le rapport du Conseil.

Dans tous les cas prévus par cet article, la sentence des arbitres doit être rendue dans un délai raisonnable et le rapport du Conseil doit être établi dans les six mois à dater du jour où il aura été saisi du différend.

## ARTICLE 13.

## ARBITRAGE

Les Membres de la Société conviennent que s'il s'élève entre eux un différend susceptible, à leur avis, d'une solution arbitrale et si ce différend ne peut se régler de façon satisfaisante par la voie diplomatique, la question sera soumise intégralement à l'arbitrage.

Parmi ceux qui sont généralement susceptibles de solution arbitrale on déclare tels les différends relatifs à l'interprétation d'un Traité, à tout point de droit international, à la réalité de tout fait qui, s'il était établi, constituerait la rupture d'un engagement international, ou à l'étendue ou à la nature de la réparation due pour une telle rupture.

La Cour d'arbitrage à laquelle la cause est soumise est la Cour désignée par les Parties ou prévue dans leurs Conventions antérieures.

Les Membres de la Société s'engagent à exécuter de bonne foi les sentences rendues et à ne pas recourir à la guerre contre tout Membre de la Société qui s'y conformera. Faute d'exécution de la sentence, le Conseil propose les mesures qui doivent en assurer l'effet.

## ARTICLE 14.

## COUR DE JUSTICE

Le Conseil est chargé de préparer un projet de Cour permanente de justice internationale et de le soumettre aux Membres de la Société. Cette Cour connaîtra de tous différends d'un caractère international que les Parties lui soumettront. Elle donnera aussi des avis consultatifs sur tout différend ou tout point dont la saisira le Conseil ou l'Assemblée.

## ARTICLE 15.

## EXAMEN DE DIFFÉREND PAR LE CONSEIL OU L'ASSEMBLÉE

S'il s'élève entre les Membres de la Société un différend susceptible d'entraîner une rupture et si ce différend n'est pas soumis à l'arbitrage prévu à l'article 13, les Membres de la Société conviennent de le porter devant le Conseil. A cet effet, il suffit que l'un d'eux avise de ce différend le Secrétaire général qui prend toutes dispositions en vue d'une enquête et d'un examen complets.

Dans le plus bref délai les Parties doivent communiquer l'exposé de leur cause avec tous faits pertinents et pièces justificatives. Le Conseil peut en ordonner la publication immédiate.

Le Conseil s'efforce d'assurer le règlement du différend. S'il y réussit, il publie, dans la mesure qu'il juge utile, un exposé relatant

les faits, les explications qu'ils comportent et les termes de ce règlement.

Si le différend n'a pu se régler, le Conseil rédige et publie un rapport, voté soit à l'unanimité, soit à la majorité des voix, pour faire connaître les circonstances du différend et les solutions qu'il recommande comme les plus équitables et les mieux appropriées à l'espèce.

Tout Membre de la Société représenté au Conseil peut également publier un exposé des faits du différend et ses propres conclusions.

Si le rapport du Conseil est accepté à l'unanimité, le vote des Représentants des Parties ne comptant pas dans le calcul de cette unanimité, les Membres de la Société s'engagent à ne recourir à la guerre contre aucune Partie qui se conforme aux conclusions du rapport.

Dans le cas où le Conseil ne réussit pas à faire accepter son rapport par tous ses membres autres que les Représentants de toute Partie au différend, les Membres de la Société se réservent le droit d'agir comme ils le jugeront nécessaire pour le maintien du droit et de la justice.

Si l'une des Parties prétend et si le Conseil reconnaît que le différend porte sur une question que le droit international laisse à la compétence exclusive de cette Partie, le Conseil le constatera dans un rapport, mais sans recommander aucune solution.

Le Conseil peut, dans tous les cas prévus au présent article, porter le différend devant l'Assemblée. L'Assemblée pourra de même être saisie du différend à la requête de l'une des Parties; cette requête devra être présentée dans les quatorze jours à dater du moment où le différend est porté devant le Conseil.

Dans toute affaire soumise à l'Assemblée, les dispositions du présent article et de l'article 12 relatives à l'action et aux pouvoirs du Conseil, s'appliquent également à l'action et aux pouvoirs de l'Assemblée. Il est entendu qu'un rapport fait par l'Assemblée avec l'approbation des Représentants des Membres de la Société représentés au Conseil et d'une majorité des autres Membres de la Société, à l'exclusion, dans chaque cas, des représentants des Parties, a le même effet qu'un rapport du Conseil adopté à l'unanimité de ses membres autres que les Représentants des Parties.

#### ARTICLE 16.

##### SANCTIONS

Si un Membre de la Société recourt à la guerre, contrairement aux engagements pris aux articles 12, 13 et 15, il est *ipso facto* considéré comme ayant commis un acte de guerre contre tous les autres Membres de la Société. Ceux-ci s'engagent à rompre immédiatement avec

lui toutes relations commerciales ou financières, à interdire tous rapports entre leurs nationaux et ceux de l'État <sup>1</sup> en rupture de pacte et à faire cesser toutes communications financières, commerciales ou personnelles entre les nationaux de cet État et ceux de tout autre État, Membre ou non de la Société.

En ce cas, le Conseil a le devoir de recommander aux divers Gouvernements intéressés les effectifs militaires ou navals par lesquels les Membres de la Société contribueront respectivement aux <sup>2</sup> forces armées destinées à faire respecter les engagements de la Société.

Les Membres de la Société conviennent, en outre, de se prêter l'un à l'autre un mutuel appui dans l'application des mesures économiques et financières à prendre en vertu du présent article pour réduire au minimum les pertes et les inconvénients qui peuvent en résulter. Ils se prêtent également un mutuel appui pour résister à toute mesure spéciale dirigée contre l'un d'eux par l'État en rupture de pacte. Ils prennent les dispositions nécessaires pour faciliter le passage à travers leur territoire des forces <sup>3</sup> de tout Membre de la Société qui participe à une action commune pour faire respecter les engagements de la Société.

Peut être exclu de la Société tout Membre qui s'est rendu coupable de la violation d'un des engagements résultant du pacte. L'exclusion est prononcée par le vote de tous les autres Membres de la Société représentés au Conseil.

#### ARTICLE 17.

##### DIFFÉREND AFFECTANT UN OU PLUSIEURS ÉTATS NON MEMBRES DE LA SOCIÉTÉ

En cas de différend entre deux États, dont un seulement est Membre de la Société ou dont aucun n'en fait partie, l'État ou les États étrangers à la Société sont invités à se soumettre aux obligations qui s'imposent à ses Membres aux fins de règlement du différend, aux conditions estimées justes par le Conseil. Si cette invitation est acceptée, les dispositions des articles 12 à 16 s'appliquent sous réserve des modifications jugées nécessaires par le Conseil.

Dès l'envoi de cette invitation, le Conseil ouvre une enquête sur les circonstances du différend et propose telle mesure qui lui paraît la meilleure et la plus efficace dans le cas particulier.

Si l'État invité, refusant d'accepter les obligations de Membre de la Société aux fins de règlement du différend, recourt à la guerre contre un Membre de la Société, les dispositions de l'article 16 lui sont applicables.

<sup>1</sup> Printed "du Membre de la Société" in the Report.

<sup>2</sup> Printed "à la constitution des" in the Report.

<sup>3</sup> The Report omitted "des forces."

Si les deux Parties invitées refusent d'accepter les obligations de Membre de la Société aux fins de règlement du différend, le Conseil peut prendre toutes mesures et faire toutes propositions de nature à prévenir les hostilités et à amener la solution du conflit.

#### ARTICLE 18.

##### ENREGISTREMENT DES TRAITÉS

Tout Traité ou Engagement international conclu à l'avenir par un Membre de la Société devra être immédiatement enregistré par le Secrétariat et publié par lui aussitôt que possible. Aucun de ces Traités ou Engagements internationaux ne sera obligatoire avant d'avoir été enregistré.

#### ARTICLE 19.

##### NOUVEL EXAMEN DES TRAITÉS

L'Assemblée peut, de temps à autre, inviter les Membres de la Société à procéder à un nouvel examen des Traités devenus inapplicables ainsi que des situations internationales dont le maintien pourrait mettre en péril la paix du monde.

#### ARTICLE 20.

##### ENGAGEMENTS INCOMPATIBLES AVEC LE PACTE

Les Membres de la Société reconnaissent chacun, en ce qui le concerne, que le présent Pacte abroge toutes obligations ou ententes *inter se* incompatibles avec ses termes et s'engagent solennellement à n'en pas contracter à l'avenir de semblables.

Si, avant son entrée dans la Société, un Membre a assumé des obligations incompatibles avec les termes du Pacte, il doit prendre des mesures immédiates pour se dégager de ces obligations.

#### ARTICLE 21.

##### ENGAGEMENTS COMPATIBLES AVEC LE PACTE

Les engagements internationaux, tels que les Traités d'arbitrage, et les ententes régionales, comme la doctrine de Monroe, qui assurent le maintien de la paix, ne sont considérés comme incompatibles avec aucune des dispositions du présent Pacte.

#### ARTICLE 22.

##### MANDATS

Les principes suivants s'appliquent aux colonies et territoires qui, à la suite de la guerre, ont cessé d'être sous la souveraineté des États

qui les gouvernaient précédemment et qui sont habités par des peuples non encore capables de se diriger eux-mêmes dans les conditions particulièrement difficiles du monde moderne. Le bien-être et le développement de ces peuples forment une mission sacrée de civilisation, et il convient d'incorporer dans le présent Pacte des garanties pour l'accomplissement de cette mission.

La meilleure méthode de réaliser pratiquement ce principe est de confier la tutelle de ces peuples aux Nations développées qui, en raison de leurs ressources, de leur expérience ou de leur position géographique, sont le mieux à même d'assumer cette responsabilité et qui consentent à l'accepter : elles exerceraient cette tutelle en qualité de Mandataires et au nom de la Société.

Le caractère du mandat doit différer suivant le degré de développement du peuple, la situation géographique du territoire, ses conditions économiques et toutes autres circonstances analogues.

Certaines communautés, qui appartenaient autrefois à l'Empire ottoman, ont atteint un degré de développement tel que leur existence comme nations indépendantes peut être reconnue provisoirement, à la condition que les conseils et l'aide d'un Mandataire guident leur administration jusqu'au moment où elles seront capables de se conduire seules. Les vœux de ces communautés doivent être pris d'abord en considération pour le choix du Mandataire.

Le degré de développement où se trouvent d'autres peuples, spécialement ceux de l'Afrique centrale, exige que le Mandataire y assume l'administration du territoire à des conditions qui, avec la prohibition d'abus, tels que la traite des esclaves, le trafic des armes et celui de l'alcool, garantiront la liberté de conscience et de religion, sans autres limitations que celles que peut imposer le maintien de l'ordre public et des bonnes mœurs, et l'interdiction d'établir des fortifications ou des bases militaires ou navales et de donner aux indigènes une instruction militaire, si ce n'est pour la police ou la défense du territoire, et qui assureront également aux autres Membres de la Société des conditions d'égalité pour les échanges et le commerce.

Enfin, il y a des territoires, tels que le Sud-Ouest africain et certaine îles du Pacifique austral qui, par suite de la faible densité de leur population, de leur superficie restreinte, de leur éloignement des centres de civilisation, de leur contiguïté géographique au territoire du Mandataire, ou d'autres circonstances, ne sauraient être mieux administrés que sous les lois du Mandataire, comme une partie intégrante de son territoire, sous réserve des garanties prévues plus haut dans l'intérêt de la population indigène.

Dans tous les cas,<sup>1</sup> le Mandataire doit envoyer au Conseil un rapport annuel concernant les territoires dont il a la charge.

Si le degré d'autorité, de contrôle ou d'administration à exercer

<sup>1</sup> In the Report there was inserted here "ci-dessus visés."

par le Mandataire n'a pas fait l'objet d'une Convention antérieure entre les Membres de la Société, il sera expressément statué sur ces points par le Conseil.

Une Commission permanente sera chargée de recevoir et d'examiner les rapports annuels des Mandataires et de donner au Conseil son avis sur toutes questions relatives à l'exécution des mandats.

#### ARTICLE 23.

##### ADMINISTRATION INTERNATIONALE

Sous la réserve, et en conformité des dispositions des Conventions internationales actuellement existantes ou qui seront ultérieurement conclues, les Membres de la Société :

*a)* S'efforceront d'assurer et de maintenir des conditions de travail équitables et humaines pour l'homme, la femme et l'enfant sur leurs propres territoires, ainsi que dans tous pays auxquels s'étendent leurs relations de commerce et d'industrie, et, dans ce but, d'établir et d'entretenir les organisations internationales nécessaires ;

*b)* S'engagent à assurer le traitement équitable des populations indigènes dans les territoires soumis à leur administration ;

*c)* Chargent la Société du contrôle général des accords relatifs à la traite des femmes et des enfants, du trafic de l'opium et autres drogues nuisibles ;

*d)* Chargent la Société du contrôle général du commerce des armes et des munitions avec les pays où le contrôle de ce commerce est indispensable à l'intérêt commun ;

*e)* Prendront les dispositions nécessaires pour assurer la garantie et le maintien de la liberté des communications et du transit, ainsi qu'un équitable traitement du commerce de tous les Membres de la Société, étant entendu que les nécessités spéciales des régions dévastées pendant la guerre de 1914-1918 devront être prises en considération ;

*f)* S'efforceront de prendre des mesures d'ordre international pour prévenir et combattre les maladies.

#### ARTICLE 24.

##### BUREAUX INTERNATIONAUX

Tous les bureaux internationaux antérieurement établis par Traités collectifs seront, sous réserve de l'assentiment des parties, placés sous l'autorité de la Société. Il en sera de même de tous autres bureaux et de toutes Commissions pour le règlement des affaires d'intérêt international qui seront créés ultérieurement.

Pour toutes questions d'intérêt international réglées par des conventions générales, mais non soumises au contrôle de Commis-

sions ou de bureaux internationaux, le Secrétariat de la Société devra, si les Parties le demandent et si le Conseil y consent, réunir et distribuer toutes informations utiles et prêter toute l'assistance nécessaire ou désirable.

Le Conseil peut décider de faire rentrer dans les dépenses du Secrétariat celles de tout bureau ou Commission placé sous l'autorité de la Société.

## ARTICLE 25.

## CROIX-ROUGE

Les Membres de la Société s'engagent à encourager et favoriser l'établissement et la coopération des organisations volontaires nationales de la Croix-Rouge, dûment autorisées, qui ont pour objet l'amélioration de la santé, la défense préventive contre la maladie et l'adoucissement de la souffrance du monde.<sup>1</sup>

## ARTICLE 26.

## REVISION

Les amendements au présent Pacte entreront en vigueur dès leur ratification par les Membres de la Société dont les Représentants composent le Conseil et par la majorité de ceux dont les Représentants forment l'Assemblée.

Tout Membre de la Société est libre de ne pas accepter les amendements apportées au Pacte, auquel cas il cesse de faire partie de la Société.

## ANNEXE AU PACTE.

I. *Membres Originaires de la Société des Nations Signataires du Traité de Paix.*

|                        |            |
|------------------------|------------|
| États-Unis d'Amérique. | Équateur.  |
| Belgique.              | France.    |
| Bolivie.               | Grèce.     |
| Brésil.                | Guatemala. |
| Empire Britannique.    | Haïti.     |
| Canada.                | Hedjaz.    |
| Australie.             | Honduras.  |
| Afrique du Sud.        | Italie.    |
| Nouvelle-Zélande.      | Japon.     |
| Inde.                  | Libéria.   |
| Chine.                 | Nicaragua. |
| Cuba.                  | Panama.    |

<sup>1</sup> As to these words, see Vol. I, p. 529, note I.

Pérou.  
Pologne.  
Portugal.  
Roumanie.

Serbie.  
Siam.  
Tchéco-Slovaquie.  
Uruguay.

*États Invités à Accéder au Pacte.*

.....

## II. *Premier Secrétaire Général de la Société des Nations.*

.....

### 6. PROPOSITION FAITE À LA COMMISSION.

A sa dernière réunion, la résolution suivante a été proposée à la Commission :

La Commission est d'avis que la Conférence demande au Président de la Commission d'inviter sept Puissances dont deux neutres, à désigner des représentants à un Comité chargé :

- a) De préparer des projets d'organisation de la Société.
- b) De préparer des projets en vue de l'établissement du siège de la Société.
- c) De préparer des projets et l'ordre du jour en vue de la première réunion de l'Assemblée.

Cette Commission soumettra un rapport au Conseil et à l'Assemblée.

## INDEXES



## INDEX BY ARTICLES OF THE COVENANT

*The Article numbers here are those of the Covenant as in the Treaty of Versailles; for the text (French and English) see Document 34. Amendments subsequently made or proposed are not treated in this work.*

*For a tabular statement as to changes in Article numbers in various Drafts, see Volume I, pp. 469-472; see also Volume I, p. 129.*

*All references in Volumes I and II to particular Articles or paragraphs, even when repetitive, are here noted.*

### PREAMBLE

- Generally: I 5-6, 13, 16, 48, 57, 78, 80, 137, 141, 148, 217-220, 225, 229-230, 260-263, 284, 311-312, 387, 439, 461, 500, 515, 518-521  
II 3, 7, 12, 65, 94, 117, 131, 145, 231, 238, 246-247, 256, 258, 298-299, 307, 327, 336-337, 387-392, 423, 467-468, 501, 548, 648, 658, 668, 672, 683, 720-721  
Phrase 2: I 68, 213  
Phrase 3: I 15, 19 & notes

### ARTICLE I

- Generally: I 6 (13), 10, 55, 321, 411  
II 61, 114, 305, 650, 667, 668, 672, 683, 720-721  
Par. 1: I 135, 227, 236-240, 281, 284, 318-319, 394, 397-399, 415, 474-475, 495-496, 534  
II 116, 303-304, 340-342, 362, 393, 473-474, 506-508, 699  
Par. 2: I 8, 11 (4), 51, 53-55, 57-59, 61, 135, 157-158, 164-168, 197, 206-208, 214, 221, 227-229, 236-240, 243, 246-253, 284-286, 296, 303, 307, 357, 365, 372, 375, 398-399, 415, 504, 523, 538-539, 541-545, 547  
II 10-11, 15, 33, 85-86, 90, 97, 103-104, 116, 128, 139-140, 143, 151, 153, 233, 238-239, 254-255, 260-261, 263, 292-293, 309, 329, 343, 427-428, 461-462, 472-474, 520, 549-550, 610-611, 625, 635-636  
Par. 3: I 31, 277, 293, 296-297, 301, 305, 322-323, 342-348, 362, 370, 381, 386, 388, 389, 398-399, 410, 415, 418, 496  
II 357-360, 519, 533-537, 620, 632, 644-645, 699

## ARTICLE II

- I 6, 10-11, 13, 15, 17, 32, 36, 51, 312, 355, 364, 403, 411, 415, 469  
 II 12, 45, 61-62, 65-66, 98, 131, 142, 145, 231-232, 239, 243, 245-246, 256-258, 299 (I), 308, 327, 337, 424, 501, 648, 658, 668, 672, 683, 720-721

## ARTICLE III

- Generally: I 69, 312-313, 365, 403, 410, 411, 470  
                   II 40-41, 61-62, 65, 70, 98, 119-120, 131-132, 142, 145-146, 232, 245-246, 248, 257-259, 299-301, 304, 308, 327, 337, 354, 424, 468-470, 501-502, 548-549, 562, 570-571, 595, 622-623, 632-633, 648, 657, 672-673, 684, 722-723  
 Par. 1: I 6, 10, 13, 15, 16, 36, 58-59, 65-66, 145, 150, 213 (II)  
                   II 4, 7, 12, 39, 41, 61-62, 65-66, 107, 119, 131  
 Par. 2: I 6, 13, 15, 16, 38, 51, 137, 139 (V), 144-145, 149-150, 306  
                   II 7, 8, 12, 14, 45, 61-62, 65-66, 107, 119, 131, 608  
 Par. 3: I 306, 315, 355, 364-365, 372, 415  
                   II 45, 67, 120, 132, 338, 503-504, 562, 607-608, 623-624  
 Par. 4: I 7, 137, 145, 226, 231-236, 274-275, 306, 313, 410, 474-475  
                   II 39-40, 45, 301, 608

## ARTICLE IV

- Generally: I 69, 199, 355 (I), 363-365, 373, 371, 392, 410-411, 415 (II), 470, 476-483  
                   II 40-43, 45, 61-62, 67-70, 98-99, 109, 119-120, 131-132, 142-143, 232, 248-249, 261-262, 308, 328, 623-625, 634-635, 673, 684, 722-723  
 Par. 1: I 36-38, 40, 51, 53-54, 57-58, 72, 134, 137-139, 140-141, 144 (I), 146-148, 150-154, 157, 159-163, 168, 226-227, 304-307, 313-314, 415, 466, 474, 476-483, 489, 493-494, 499-500, 519-520, 529, 534  
                   II 41-42, 45, 61, 68-69, 119, 232, 257-260, 300-302, 304, 337-338, 393, 424-426, 470-471, 502-503, 520, 549, 570-571, 608-610, 624-625, 648, 649, 658-659, 668-669, 701, 718-719  
 Par. 2: I 281, 284-285, 296, 307 (VIII), 314, 415, 479-480, 496  
                   II 119, 255 (37), 338, 503, 699-700  
 Par. 3: I 38, 154-155  
                   II 45, 61, 108, 119, 609  
 Par. 4: I 35, 37, 315, 356, 364-365, 372  
                   II 45-46, 232, 338, 503-504, 607, 623-624, 632-633  
 Par. 5: I 155, 315, 356, 415  
                   II 108, 120, 132, 232, 238, 364, 504  
 Par. 6: I 7, 372, 410-411, 415, 474-475, 496  
                   II 700

ARTICLE V

- Generally: I 16, 66, 312-313, 356, 362, 365-367, 412, 439, 468,  
470, 479-483  
II 39, 45, 66-70, 364, 649, 659, 673-674, 685, 722-725  
Par. 1: I 6-7, 11, 147, 152-153, 203, 277, 285, 296, 299, 301, 315-  
316, 382, 388-389, 410, 418, 445, 496-498, 529, 534  
II 339, 426, 504, 566, 700, 701-702, 708  
Par. 2: I 7, 11, 145-146, 150, 155, 283, 299  
II 4, 8, 12, 45, 66-67, 98, 108, 120, 132, 145, 232, 248,  
308-309  
Par. 3: I 155, 163  
II 260, 308-309

ARTICLE VI

- Generally: I 38, 54-55, 57, 69, 214 (v), 220-221  
II 8, 12, 45, 67, 99, 108, 114-115, 120-121, 133, 143,  
146, 232-233, 245-246, 249, 260, 262, 302, 305, 309,  
328, 364, 610, 625, 635, 649, 659-660, 669, 674, 685,  
724-725  
Par. 1: I 13, 15  
II 61-62, 67, 70, 120  
Par. 2: I 157, 163, 307, 393, 415, 496  
II 62, 67, 70, 120-121, 339-340, 700  
Par. 3: I 58 (IIA), 163, 500  
Par. 4: I 58 (IIA)  
Par. 5: I 13, 15, 58 (IIA), 157, 163  
II 12, 109, 121, 133-134, 233, 260

ARTICLE VII

- Generally: I 470  
II 63, 109, 121, 133, 143, 660, 669, 674, 685, 724-725  
Par. 1: I 6, 13, 38, 42, 51, 66, 155, 157, 163-164, 216, 285, 304,  
316, 334-335, 338, 412, 428, 431, 436, 441-442, 468,  
494-495  
II 260, 339, 354-355, 365-368, 427, 505-506, 700, 704  
Par. 2: I 393, 496  
Par. 3: I 348, 410, 412, 415, 496  
II 360, 525, 537, 657, 666, 671, 700  
Par. 4: I 157, 164 (v)  
II 108-109, 121, 133, 233, 260, 262, 309 (6), 328  
Par. 5: I 334, 335, 352 (6), 442  
II 109, 121, 233, 260, 262, 309 (6), 328, 340, 506, 650

ARTICLE VIII

- Generally: I 10, 15-17, 35, 37, 40, 47, 65, 67, 69, 78 (1, 2), 214,  
221-223, 243-244, 286-289, 307-308, 319-321, 350-  
351, 357, 365-366, 381-382, 393, 412, 470, 482, 541,  
544-548

- II 10, 13, 33, 48-52, 72-74, 94-95, 99-100, 117-118,  
122, 134-135, 146-147, 233, 248, 264-267, 291-297,  
305-306, 309-310, 317, 329, 343, 375-378, 431, 460-  
466, 474-475, 508-511, 520, 525, 528, 538, 571-573,  
611-612, 626, 636-637, 650-651, 660, 669, 674-675,  
685, 706-713, 724-727
- Par. 1: I 15, 170-173, 531  
II 264-265
- Par. 2: I 37, 48, 81, 171, 207-210, 212, 307, 365-366, 487-488,  
524-526, 528  
II 264, 305, 342, 368-369, 611
- Par. 3: I 277, 319, 382, 415  
II 342, 528
- Par. 4: I 171, 221-222, 244, 277, 281, 286, 296, 366  
II 264, 342
- Par. 5: I 81, 171-172, 210, 214, 221, 259-260, 287-289, 307  
II 611
- Par. 6: I 37, 81, 171-172, 243-252, 260, 281, 286-287 (6), 366,  
382, 504, 534  
II 342-343

## ARTICLE IX

- I 37, 209-210, 214, 216, 243, 244-259, 289 (6), 308, 319-321, 324-  
325, 350-351, 358, 372-373, 379, 381-382, 412, 416, 470, 504, 534
- II 249, 296, 306, 310, 317-321, 329, 344, 347, 462-466, 475-479,  
512-514, 525, 538, 612, 637, 651, 660, 675, 685, 706-713, 726-727

## ARTICLE X

- I 10, 12, 15-17, 29-33, 42, 48, 52, 70-71, 73, 78 (1), 80 (1), 81, 162-  
163, 168-170, 177, 181-182 (7), 202, 214, 221, 257, 281-282, 289,  
297, 299-300 (b.&c.), 308, 322-323, 325, 354, 358, 360, 363, 369,  
379, 382-384, 388-389, 404, 412, 418, 426, 432, 442, 444-445,  
447, 471
- II 10, 12-13, 70-72, 94, 99, 106, 117, 134, 146, 233, 264, 266, 305,  
310, 321, 330, 347, 369-374, 430-431, 550, 612, 626, 637, 651,  
661, 675, 685, 726-727

## ARTICLE XI

- Generally: I 173, 471  
II 82-83, 101-102, 112, 126-127, 138, 149-150, 233,  
265 (9), 267, 310-311, 321, 330, 375, 651, 661, 669,  
675, 685-686, 726-727
- Par. 1: I 5, 14-17, 289-290, 297, 300, 314, 325, 352, 360, 395,  
412, 416  
II 7, 8, 14, 61, 347, 514-515, 520, 525 (3), 612, 638
- Par. 2: I 366  
II 306 (9)

## ARTICLE XII

- Generally: I 16-17, 32, 37-38, 40, 47, 51, 180, 308, 352, 359-360, 366, 412, 416, 471  
 II 52-54, 63, 74, 76-78, 100, 109-110, 123, 135, 142, 147, 234, 244, 249, 265, 267, 306, 311, 321, 330, 348, 375-378, 515, 520-521, 525-526, 613, 638, 651-652, 661, 675-676, 687, 728-729  
 Par. 1: I 5, 9, 11, 12, 15, 80 (4), 81, 173-174, 176-177 (x), 214, 304, 325-326, 327, 392-393, 395  
 II 3, 347-348, 352  
 Par. 2: I 48, 58, 69, 173, 174, 192, 195  
 II 95 (6), 101, 265, 282, 284, 432, 613

## ARTICLE XIII

- Generally: I 9, 12, 69, 73, 174-175, 177 (xi), 214, 308, 357-360, 370, 378-380, 471, 475  
 II 8-9, 56-57, 74-78, 100, 123, 135-136, 147-148, 234, 244, 265, 267, 306, 311, 330-331, 515, 613-614, 626-627, 638-640, 652, 661, 669-670, 676, 687, 728-729  
 Par. 1: I 78 (2), 80, 189, 190, 328  
 II 352 (4), 521  
 Par. 2: I 299 (A)-300, 304 (3), 327, 328, 352, 395, 412, 416, 496  
 II 4, 56-57, 348, 352, 378-379, 523, 700  
 Par. 3: I 174-175  
 II 265, 432 (xi), 550-551  
 Par. 4: I 9, 55, 78 (4), 80 (5), 81, 194-195, 207 (xiv)-209, 212, 326, 412  
 II 3, 54, 63, 100, 306

## ARTICLE XIV

- I 10, 13, 15, 16, 33, 38, 42, 52, 54, 61-64, 67, 69, 73, 175, 199, 215, 262-263, 289-290, 297, 299 (A)-300, 304, 305, 308, 328-330, 352, 360-361, 373, 391-393, 405-406, 413, 416, 451, 471, 496, 540  
 II 8, 110-111, 233, 239, 244, 250-252, 265-266, 267-268, 311, 321-322, 331, 348-349, 378-379, 515-516, 521, 523, 526, 614-616, 628-629, 640-641, 652, 662, 670, 676, 688, 728-729

## ARTICLE XV

- Generally: I 9, 215, 277, 366, 370-371, 471, 479-483, 496  
 II 4-5, 57-59, 75-76, 78-79, 100-101, 110-112, 123-125, 136-137, 143-144, 148, 234-235, 244, 249-251, 268-269, 282-285, 311-312, 322, 331-332, 349-351, 435-436, 516, 523, 616, 626-627, 639-640, 652-653, 662-663, 676-678, 688-689, 728-733  
 Par. 1: I 6, 11, 37, 47, 80 (3), 177 (xiii), 304, 500  
 Par. 2: I 177 (xiii), 179, 475  
 II 4-5, 551 (13)  
 Par. 3:

- Par. 4: I 393-394  
II 64
- Par. 5: I 179
- Par. 6: I 40, 78 (4), 80 (5), 81, 176 (13), 177, 179-182, 192-195,  
207 (XIV)-209, 282, 290-292, 297, 326, 416-417, 454-  
455, 468  
II 54, 63, 100, 379-381, 521, 560-561
- Par. 7: I 5, 170, 176-177, 199, 207 (XIV)-209, 304, 404-405, 410,  
417, 455, 468  
II 516-517, 522 (h)
- Par. 8: I 276-277, 293-294, 298, 301, 305, 322-323, 331-332, 352,  
370, 379, 382-384, 386, 388-389, 411, 417, 418, 466, 496  
II 350, 516-519, 566, 619 (18 bis), 700
- Par. 9: I 52, 59, 180, 195, 330, 531-534  
II 526-528
- Par. 10: I 261, 263, 330-331, 417

## ARTICLE XVI

- Generally: I 5-6, 11-12, 15-16, 42-43, 52, 37-38, 68, 177-178, 207  
(XIV)-209, 215, 305, 359-360, 382, 388-389, 471,  
479-483, 487-488, 528, 541  
II 9, 13-14, 54-56, 63, 79-82, 95 (7 & 8), 101, 112-113,  
125-126, 137-138, 148-149, 235-236, 239-245, 252-  
254, 269-271, 290-291, 312-313, 322, 332, 436-438,  
458-460, 616-618, 629-630, 641-643, 653-654, 663-  
664, 671, 678, 689-690, 732-733
- Par. 1: I 9, 35 (j), 40, 48-49, 53, 176 (XIV)-178, 180-182, 261,  
263-264, 308-309, 333-334, 360, 366-367, 388-389  
II 3-4, 322, 351, 483, 518, 526, 551
- Par. 2: I 11, 35 (k), 178, 207 (XIV)-209, 264, 308, 522, 524, 526-  
527, 534  
II 351-352, 562
- Par. 3: I 59 (vi), 178, 308-309, 405, 428-438, 455, 527  
II 351-352, 381
- Par. 4: I 405, 413, 417, 496, 523  
II 700

## ARTICLE XVII

- Generally: I 5, 69, 215, 264, 413, 471, 527  
II 5-6, 9-10, 14-15, 59, 63, 83-85, 95-96, 102-103, 113,  
127-128, 138-139, 144, 150-151, 236, 245, 254, 270,  
282-283, 285, 313, 322-323, 332-333, 381, 437, 453-  
454, 618-619, 630, 643-644, 654, 678-679, 690,  
732-735
- Par. 1: I 14, 182, 195, 292, 360  
II 270, 322, 355, 484, 523-524, 528, 552
- Par. 3: I 8, 11, 14, 16, 17, 309
- Par. 4: I 309, 367

## ARTICLE XVIII

- I 19, 29, 33, 45, 49, 78 (3), 197-198, 203, 212, 216 (xxiv), 221-222, 360 (6th), 413, 471  
 II 92, 94, 118, 141, 154, 237, 279, 287, 288, 307, 316, 326 (24), 335, 381, 446-447 (xxi), 456, 490, 563-564, 657, 666, 679, 690, 734-735

## ARTICLE XIX

- I 14-15, 42, 45, 52-53, 71, 73, 169-170, 183, 202-203, 216 (xxv), 267, 282, 289, 309, 413, 471  
 II 10, 12-13, 70-72, 94, 99, 107 (2), 118-119, 134, 264, 288-289, 316, 326 (25), 335, 381, 457, 490, 550, 556, 657, 666, 679, 690, 734-735

## ARTICLE XX

- Generally: I 5, 216 (xxiv), 267 (26), 309, 413, 444-445, 447, 471  
                   II 6, 11, 15, 86-87, 103, 113, 128-129, 140, 151, 237, 248, 279-281, 316, 326, 335, 370-374, 380-384, 447-449, 631, 657, 666, 679, 690-691, 734-735  
 Par. 1: I 8-9, 198-200, 361-362, 460-461, 468  
 Par. 2: I 8-9, 198-200, 434

## ARTICLE XXI

- I 30, 33, 42, 45-47, 277, 283, 295, 297-299, 301, 310, 322-323, 325, 336-338, 363, 369, 370, 379, 381-390, 394, 411, 418, 421-427, 432, 435-436, 442-450, 453-454, 457-461, 468, 471, 496, 497  
 II 70-72, 369-374, 381-384, 392, 691, 700, 715-717, 734-735

## ARTICLE XXII

- Generally: I 10, 16, 35-36, 38, 40-43, 49-51, 55, 60-63, 70, 75, 78 (5), 81, 101-117, 185-190, 215 (xix), 222, 260, 264-265, 278, 373, 413 (xxi), 455-456, 471, 504, 507-510, 514, 527  
                   II 26-37, 43, 87-90, 96-97, 103-104, 106, 114, 117, 151-153, 194-228, 236-237, 272-273, 282-283, 285-286, 306, 314-315, 323, 333-334, 355 (18), 439-440, 441-443, 454-455, 552-554, 561, 564-565, 574, 578, 619, 646, 654-656, 679-681, 691-692, 736-739  
 Par. 1: I 35-36, 40-50, 65-66, 101-102, 105-106, 109 (3), 113-114, 185-186, 195  
 Par. 2: I 46-47, 50, 106, 109 (4), 277, 294, 297, 339, 388-389, 410, 417 (xxi), 418, 496, 519, 522, 527  
                   II 355 (18), 384, 524, 529, 700  
 Par. 3: I 60, 110 (5)  
 Par. 4: I 101, 105, 108 (ii), 110 (6), 114  
                   II 384-385  
 Par. 5: I 43, 106-107, 110 (7), 113, 116, 500-503, 510, 531  
                   II 97, 323

- Par. 6: I 105-106, 110 (8), 115, 190, 323  
       II 384  
 Par. 7: I 107 (5), 110 (8)  
       II 43  
 Par. 8: I 107 (6), 111  
       II 339, 352 (18), 367, 524  
 Par. 9: I 34, 107 (7), 111, 112, 185  
       II 43

## ARTICLE XXIII

- Generally: I 10, 58 (II B), 185, 218-220, 223, 292, 297 (9), 339-341,  
       373, 401, 413 (XXII), 417, 471, 496  
       II 43-44, 114, 355-357, 386 (22), 524, 526, 529-530,  
       631, 646-647, 656, 665, 681, 692-693, 700, 738-739  
 Clause *a*: I 40, 47, 60 (V), 63, 191, 215 (XX), 232-233, 309 (XX),  
       340-341, 348, 353, 361, 394, 400, 413, 417, 481  
       II 90-91, 105, 107, 118, 140, 153, 237, 247, 277, 307, 315,  
       323, 333, 356, 441, 444, 554-555, 563, 566, 575, 671, 692  
 Clause *b*: I 339-340, 417-496  
       II 700  
 Clause *c*: I 218-219, 339-340, 417, 497  
       II 700  
 Clause *d*: I 61, 63, 185, 215 (XVIII), 264 (18), 309, 360, 388-389  
       II 106-107, 117, 236, 272, 276, 306 (16), 313-314, 323,  
       333, 444, 644  
 Clause *e*: I 19-22, 33, 45-47, 55, 60 (X), 61, 63, 70, 78 (4), 196-  
       197, 215 (XXII), 265, 266 (22), 277 (21), 292, 309 (XXII),  
       348-349, 360, 541, 544-545, 548  
       II 92-93, 105, 107, 118, 154, 237, 247, 277-279, 287,  
       315, 325-326, 334, 445-446, 489, 527, 531  
 Clause *f*: I 402, 407, 408, 417, 497  
       II 386, 700

## ARTICLE XXIV

- Generally: I 414, 418, 471  
       II 249, 315, 326, 386 (23), 524-525, 656, 665-666, 681,  
       693, 738-741  
 Par. 1: I 215 (XXIII), 220, 266, 282-283, 341, 361, 373, 534  
       II 43-44, 62, 107, 118, 307, 315, 335, 356  
 Par. 2: I 341-342, 497  
       II 356, 530, 647, 671  
 Par. 3: I 341-342, 394 (XX), 497  
       II 356, 531, 647, 671

## ARTICLE XXV

- I 400-402, 407-408, 413 (XXIII), 418, 472, 497, 511  
 II 386, 682, 693, 700, 740-741

## ARTICLE XXVI

Generally: I 183, 381, 414 (xxv), 472

II 651, 666, 693, 740-741

Par. 1: I 71, 123, 203-206, 216 (xxvii), 267, 342, 348, 362, 379 (6th),  
399, 418, 456, 497

II 289-290, 307, 316, 326, 335, 357, 360, 386-387, 457-458,  
481, 500, 525, 533, 537, 555, 620, 645, 682, 700

Par. 2: I 205, 277, 293, 296, 301, 305, 342, 379, 456-457, 468-469,  
473, 497

II 386-387, 620, 632, 645, 700

## ANNEX

Generally: I 474, 497, 500, 521, 530, 534

II 694, 701, 740-743

Part I: I 227-229, 281, 318-319, 394, 397-399, 409, 418, 466-467,  
476-477, 483-485, 493, 499, 500, 502-503, 527, 531,  
534-535

II 393, 717-718

Part II: I 436, 476-477, 493-494, 529, 534

II 701



## GENERAL SUBJECT INDEX

*In respect of references in this Index to particular Articles and paragraphs (e. g. Art 1, par. 1), see the Index by Article Numbers at p. 833.*

- Abyssinia: I 227, 240  
 Accession to League: of invited States:  
   Art. 1, par. 1, & Annex; subject to  
   approval of particular State govern-  
   ments: I 362, 399  
 Admission to League: Art. 1, pars. 1 & 2  
 Advisory opinions of Permanent Court:  
   I 52, 290, 297, 329, 391-392, 406,  
   413, 416, 496  
 Agriculture: Permanent Commission  
   on, Belgian proposal for: I 349-  
   350, II 357, 532-533  
 "Air" inserted in phrase "military  
   and naval": I 504, 534  
 Alliances consistent with Covenant,  
   discussed: II 280-281, 380, 447-448,  
   631, v. also Treaties, particular, &  
   Arts. 20 & 21  
 Allied and Associated Powers' reply to  
   German delegation: of May 22: I 539-  
   541; of June 16: 542-544, 547-548  
 Alsace-Lorraine: I 88, 99, II 28  
 Amendments: to Covenant: Art. 26;  
   presented to Commission on League  
   of Nations: v. Hurst-Miller Draft,  
   Covenant of Feb. 14, Drafting Com-  
   mittee (final) text; presented to  
   Plenary Session of Conference: v.  
   Plenary Session  
 American: Commissioners meeting: of  
   Jan. 20: I 79; of Mar. 20: 296; of  
   Mar. 27: 337-338  
   — Economic Group: I 292 note  
   — Program, by D. H. M.: I 19-21 &  
   notes  
   —, v. also United States  
 Arabia: I 102, 104, 109, 186, 446, v.  
   also Turkey, territories of former  
   Empire of  
 Arbitration: Arts. 12 & 13  
   — disputes suitable for: Art. 13, par. 2  
   — obligatory: I 9, 15-17, 40, 176-177,  
   180, 207-208, 289-290, 304 (3), 329,  
   378-380, 391, 393, 413 (14), 416,  
   540-541, II 76-77; statement of  
   Portuguese delegation re: I 299,  
   467, II 627-628  
   — treaties of & of peace: Art. 21, I 30,  
   47, 76, 374, II 378, 705, v. also Bryan  
   & Treaties, particular  
 Argentine: I 306, 309, v. also Neutral  
   Powers, meetings with  
 Armenia: I 47, 102, 103, 109, 115, 186,  
   v. also Turkey, territories of former  
   Empire of  
 Armistice, extension of: v. Preliminaries  
   of Peace  
 Arms and ammunition, traffic in:  
   Art. 23 (d)  
 Article numbers of Covenant: compar-  
   ison of in Hurst-Miller Draft & Cov-  
   enant of Feb. 14: I 129; in Hurst-  
   Miller Draft and all subsequent  
   drafts: 469-472; printing style of: I  
   504, 530  
 Assembly of League: Generally: Art. 3  
   — composition: Art. 3, pars. 1 & 4  
   — Council &, relations *inter se*: I 315,  
   364-365, 372; II, 338, 503-504  
   — decisions: Art. 5  
   — duties: election of new members of  
   League: Art. 1, par. 2; selection of  
   non-permanent members of Council:  
   Art. 4, par. 1; approval of increase in  
   Council members: par. 2; approval  
   of appointment of Secretary General:  
   Art. 6, par. 2; disputes, settlement  
   of: Arts. 11, 14, 15 pars. 9 & 10,  
   ratification of amendments to Cov-  
   enant: Art. 26  
   — meeting, first: to be called by Pres-  
   ident of the U. S. A.: Art. 5, par. 3;  
   plans for: I 452, II 698  
   — meetings: Art. 3, par. 2, Art. 5  
   — powers: general: Art. 3, par. 3;  
   to appoint committees and regulate  
   procedure: Art. 5, par. 2; to advise  
   reconsideration of treaties and con-  
   sideration of dangerous international  
   conditions: Art. 19  
   — procedure: Art. 5  
   — Second, resolution re Art. 16: I 178  
   — vote: Art. 3, par. 4 (Art 5)  
 Australia: Mandates &: I 36, 105, 112-  
   115, II 195-197, 201-202, 208-210,  
   213-214; Art. 10 &: I 297; v. also  
   British Dominions  
 Austria: Rehabilitation of finances:  
   I 401; Treaty, preparation of pre-  
   liminary terms discussed: II 181-191

- Austro-Hungarian Empire: I 46, 50;  
Mandate system &: 65-66, 101-102;  
decomposition of: II 25-33, 37, 87,  
90, 96-97, 103
- Baker, Philip: letter of April 22 re  
Brussels as Seat of League: I 495
- Baker, Ray Stannard: opinions dis-  
cussed re Balfour resolution: I 94-98;  
re League of Nations Commission:  
82-85; re League of Nations resolu-  
tion: 82; re Preliminaries of Peace: 87
- Balfour, Arthur James: resolution re  
preparation of preliminary peace  
terms: I 92-97; before Council of  
Ten: II Doc. 17
- Bargaining policy at Conference: I 277-  
278, 310, 337-338, 423-425
- Belgian amendments presented to Com-  
mission: v. Hurst-Miller Draft, Cov.  
of Feb. 14, Drafting Committee  
(final) text of Apr. 5: Amendments,  
Belgian  
— note on Brussels as Seat of League:  
I 442  
— "Observations" on discrepancies be-  
tween English & French texts:  
I 516-517
- Belgium: member of Commission: I 84;  
of Council: 477, 493, 495
- Seat of League &: Belgian note re:  
I 442; Hymans' speeches re: II 339,  
365-366, 505, 704; v. also Art. 7,  
par. I
- Berne International Labor & Socialist  
Conference: I 272-273
- Bliss, Gen. Tasker H.: Suggestions re  
Wilson's Second Draft: II Doc. 8,  
I 48
- Blockade: Art. 16, generally & pars.  
I & 3
- Borden, Sir Robert: amendment to  
Mandates resolution: I 116 & note,  
II 215-216; letter to Straus: I 362-  
363; memo. on Cov. of Feb. 14:  
I 354-362; memo. for, re member-  
ship of British Dominions on Coun-  
cil: I 489
- Bourgeois, Léon: amendments pre-  
sented by: v. Hurst-Miller Draft,  
Cov. of Feb. 14, Drafting Committee  
(final) text of Apr. 5, Plenary Session  
of Apr. 28: Amendments, French
- Brazil: membership in Council: I 477,  
493
- British: Admiralty: objections to Cov-  
enant & Art. 8: I 281, 286-289  
— amendments presented to Commis-  
sion: v. Hurst-Miller Draft, Cov. of  
Feb. 14, Drafting Committee (final)  
text of Apr. 5: Amendments, British  
& Cecil  
— criticism & proposals re Cov. of  
Feb. 14: I 278, 279-297  
— Dominions: international status of &  
U. S. attitude: I 489-492; Mandates  
system &: I 36, 105, 112-115, 164-  
166, II Doc. 18; membership in  
Council: I 477-483, 489, II 109 (16),  
121; separate representation in  
League: I 10, 51, 53-54, 57 (a),  
58 (1), 59, 61, 150, 284, 307, 362,  
399, 477, II 109 (16), 121, 134  
— Draft Convention on Equality of  
Trade Conditions.: II Doc. 4, I 33  
— Draft Convention re Mandates, &  
Note: I 55, text: 106-108; 111-112,  
II 129-130  
— Draft Convention for a League of  
Nations, of Jan. 20: II Doc. 10,  
I 54-55, 69, 202, v. also Percy's  
Suggested Amalgamation  
— Draft resolution for League of Na-  
tions: I 76, 81-82  
— Draft Sketch of a League of Nations,  
of Jan. 14: II Doc. 6, I 38 & note, 51  
— memo. on discrepancies between  
English and French texts: I 452,  
text: 512-514  
— proposals to Final Drafting Com-  
mittee of Commission: II Doc. 29,  
I 403-406, 478-480  
— proposals to substitute "Members  
of the League" for "States": I 284,  
391-392, 477-483, 489, 522, 528;  
memo. re: 482; letter from Cecil  
re: 478
- Brussels, as Seat of League: v. Art. 7,  
par. I, & Belgium
- Bryan, William Jennings: comments  
& suggestions on Cov. of Feb. 14:  
I 374-377;  
— Peace treaties: I 27, 32, 326, 374
- Buildings & property of League in-  
violable: Art. 7, par. 5
- Bulgaria: admission to League: I 164,  
238-240; Treaty, preparation of:  
I 190-191
- Cameroons: I 115-116, v. also German  
colonies
- Canada: Art. 10 &: I 30-32, 281-282,  
297, 354; membership in Council:  
478, 481 note; v. also British  
Dominions.
- Capper, Senator Arthur: article of Mar.  
1919 on Covenant, summarized: I  
384-386
- Cecil, Lord Robert: amendments pre-  
sented to Commission: v. Hurst-  
Miller Draft, Cov. of Feb. 14, Draft-  
ing Committee (final) text of Apr. 5:  
Amendments, Cecil & British  
— conference of on Mar. 18 with House  
& Miller: I 279-283, with Wilson:  
283-297  
— criticism of Cov. of Feb. 14: I 278-  
297; of Wilson's Third Draft: I  
53-54  
— Draft Convention for a League of

Cecil, Lord Robert—*Continued*

- Nations, of Jan. 16: II Doc. 10, I 51-54
- draft for a Monroe Doctrine clause: I 297-298
- - Miller Draft: II Doc. 12, I 55-56; summarized by D. H. M.: 56-61; letter of Cecil re: 61; comparison of with Hurst-Miller Draft: 68-71
- Naval agreement negotiations: letter to House: I 419-420; draft letter for House: 422; memo. for Lloyd George: 426-427
- Notes on a Permanent Court & "Appeal suggestion": I 62-64
- Proposals for a League of Nations, of Dec. 17 & Jan. 14: II Doc. 6, I 38-39, 51
- proposal to substitute "Members of the League" for "States": letter re: I 478
- -Wilson text of Mar. 18: text: II Doc. 24, I 283-284; printing of: 296, 301; before Commission: 310-315, 329, 333, 338; articles nos. of: 469-472
- Chicago Tribune: attitude toward Covenant: I 386-387
- Chili: I 299-300, v. also Neutral Powers, meetings with
- China: economic equality &: I 20 note; membership in Council: 477
- Chinese amendments presented to Commission: v. Covenant of Feb. 14, Drafting Committee (final) text of Apr. 5: Amendments, Chinese
- Clemenceau, Georges: note of May 10 acknowledging German Draft: I 539; covering note of May 16: 542-543
- Colombia: v. Neutral Powers, meetings with
- Colonies, self-governing, admitted to League: Art. 1, par. 2; v. also British Dominions & India
- German: v. German colonies
- Commission on the League of Nations: appointment: I 76, 79, 81-83, II 695
- committees & sub-committees: Drafting Com. of Feb. 5: I 154-157; of Feb. 7: I 179-182, II 269, 273, report: I 192-196, II 283; of Feb. 12, & (final) of Apr. 1-2: v. Drafting Committees of Commission; French text Com.: I 439-441, 466, 474-476, 487-488, 514-531, II 362-364, 393; Neutral Powers, sub-committee to meet with: II Doc. 25, I 303-309, II 336; Seat of League, committee on: I 316, 338, II 365-366, 339, 354-355, report: I 441, note to Rappard: 441-442
- composition: I 83-85, 118, 138-139, 142-144, 149, 156, 158, original members: II 695-696; additional members: I 168, II 697

- Covenant text adopted: v. Covenant Drafts, presented to Commissions and subsequent to Commission meetings
- general description: I 118-126, by Shepardson: 120-123; by D. H. M.: 123-126
- language, official: v. Languages, official
- meetings: minutes: (English) II Doc. 19; (French) Doc. 20; generally: I 118-119, (French): 212-213
- meetings: in detail:
  - 1st, Feb. 3: discussed: I 130-136; minutes, (English): II 230-255; (French): 395-422
  - 2nd, Feb. 4: I 137-153, II 255-259, 422-425
  - 3rd, Feb. 5: I 155-167, II 259-263, 426-429
  - 4th, Feb. 6: I 168-176, II 263-268, 429-435
  - 5th, Feb. 7: I 179-183, II 268-271, 435-438
  - 6th, Feb. 8: I 185-191, II 271-277, 438-444
  - 7th, Feb. 10: I 192-200, II 277-287, 444-456
  - 8th, Feb. 11: I 201-211, II 287-298, 456-466
  - 9th, Feb. 13: 225-242, II 298-316, 466-474
  - 10th, Feb. 13: I 240, 243-271, II 316-335, 474-500
  - 11th, Mar. 22: I 310-321, II 336-343, 500-511
  - 12th, Mar. 24: I 322-334, II 344-354, 511-528
  - 13th, Mar. 25: I 336-353, II 354-360, 528-538
  - 14th, Apr. 10: I 439-452, II 360-374
  - 15th, Apr. 11: I 453-469, II 375-394
- procedure, discussed: I 133-134, 139; Bourgeois re: I 246, II 298, 467, 528, 707; unanimity & reservations: I 464-465, II 392
- Report (English): II Doc. 32, I 483-484; French note re: 484; Covenant text of: 488-489; before Plenary Session of April 28: II Doc. 33
- Report (French): II Doc. 40, I 524, 528-530
- secretariat: I 133-134, 139, 143, 156, 158-159, II 261
- terms of reference: II 695, 815
- Commission: Permanent, on Agriculture: I 349-350; Permanent, on military, naval & air questions: Art. 9
- Committees appointed by Assembly and Council: Art. 5, par. 2
- Comparison of Article numbers of Covenant drafts: v. Article numbers
- Conciliation: Commissions of: I 305, 333, in German proposals: 540, proposed by Neutrals: II 351, 354(11),

Conciliation—*Continued*

- 626-628; Court of: I 308; in Italian Draft: II 249-251
- "Conditions of Peace": I 498, 500, 503-504, 537; Covenant text of: 503-504, 531
- Conference of Ambassadors: I 78 note
- Conference of Mar. 18 of Cecil, Wilson, House, Miller: v. Cecil
- Conscription or compulsory military service, abolition of: I 35, 37, 40, 47, 65, 67, 171, 545, II 48-50, 52, 72, 135, 264, 431
- Costa Rica: I 227, 466-467, II 116
- Council of Four: I 77-78 note, 477; of Apr. 28: 494, 498 note; of Apr. 25: I 505
- Council of League: generally: Art. 4
  - Assembly & relations *inter se*: I 315, 364-365, 372, II 338, 503-504
  - composition: Art. 4, par. 1, v. also British Dominions, Small Powers, & names of separate countries
  - decisions: Art. 5
  - duties: to invite League members specially affected, to Council meetings: Art. 4, par. 5; to appoint Sec'y General: Art. 6, par. 2; to approve appointment of Secretariat: Art. 6, par. 3; re disarmament: Art. 8; to advise means of carrying out guarantees: Art. 10; in case of war or threat of war: Art. 11; re settlement of disputes: Arts. 11-15, 17; re establishment of Permanent Court: Art. 14; in case of violation of Covenant: Art. 16; re Mandates: Art. 22, pars. 7 & 8; to ratify amendments to Covenant: Art. 26
  - meeting, first: Art. 5, par. 3
  - meetings: Art. 4, par. 3, Art. 5; in emergency: Art. 11
  - powers: generally: Art. 4, par. 4; to increase Council members: Art. 4, par. 2; to appoint committees: Art. 5; to change Seat of League: Art. 7, par. 2; to refer questions to Permanent Court: Art. 14; to declare Covenant-breaking state no longer member: Art. 16, par. 4; re international bureaux & commissions: Art. 24, par. 3
  - procedure: Art. 5
  - Resolution of Feb. 13, 1920, re Swiss neutrality: I 437-438
  - vote: Art. 4, par. 6; Art. 5
- Council of Ten: I 77-78, note; of Jan. 21 & 22 re League of Nations resolution: I 77-79, 82-83; of Jan. 24 re German colonies: I 105; of Jan. 30 & Mandates resolution: minutes of discussion: II Doc. 18, text as adopted: I 109-110 (French): I 507-510, discussed: I 70, 73, 101-110, 514, 519, before Commission on

- League of Nations: I 185-190, 260, II 272-273, 323; of Feb. 12: I 94; of Feb. 13: I 240-242, II 304; of Feb. 22 & 24 & Balfour resolution: minutes of discussion: II Doc. 17, I 92-97; of Feb. 25: I 95-96
- Council of Three: I 77-78 note, 489, 499 & note
- Court, Permanent of International Justice: Art. 14; Statute of: I 305 & note, Optional clause: I 380; v. also Advisory opinions
- Covenant-breaking State, sanctions against: Art. 16
  - coming into force of: I 295, 318, II 255, 362
  - general form of: British proposals to Feb. Drafting Com. re: I 218-220; French proposals to final Drafting Com. re: I 402-403, 406, 512, II 337
  - in the Treaty: discussed: I 76-100, 283, 397-399, 549; Germany &: I 280-281, 397-399, 538; exact position of: I 278, 280-281; ratification &: 295, 318; Switzerland re: I 305 (7)
- Covenant Drafts: in detail, v. separate headings; listed: Preliminary Phillimore Draft Convention; House Draft; Wilson's First, Second, Third, Fourth Drafts; Miller Draft Agreement; Scott-Miller Draft Agreement; Smuts Plan; French Plan; Cecil Proposals of Dec. 17 & Jan. 14; Cecil Draft Convention of Jan. 16; British Draft Sketch of Jan. 14; British Draft Convention of Jan. 20; Italian Draft; Percy Amalgamation of Jan. 25; Cecil-Miller Draft of Jan. 27; Hurst Revision of Feb. 1
  - presented to Commission: Hurst-Miller Draft; Drafting Committee of Feb. 12, text referred to & text from; Covenant of Feb. 14; Wilson-Cecil text agreed to on Mar. 18; Draft of March 26; Hurst-Miller Revision for final Drafting Committee, Mar. 31; Drafting Committee (final) of Commission text of April 5; English Covenant text adopted by Commission April 10-11; French texts of Covenant
  - subsequent to Commission meetings: English text of April 21; of April 23; of April 28, submitted to Plenary Session; French texts; "Conditions of Peace" text, May 7; German Draft; Treaty of Versailles text
- Covenant of Feb. 14: text (English): II Doc. 19, (French): Doc. 20, 10th Meeting, Annex
  - Amendments: Belgian: as to general form: I 321, II 337, 519-522; to Art. 3: I 314-315, II 338, 503, 520; to Art. 5: I 316, II 339, 505; to Art. 9: I 347, 514; to Art. 13: I 328, 352, II 348; to Art. 14: I

Covenant of Feb. 14—*Continued*

- 330, II 349, 516, 521; to Art. 15 re particular conventions between Members against war: I 332-333, II 350-351, 354 (10), 516-517, 521-522; to, new Art. 19: I 349-350 II 357, 532-533; Art. 21 bis re intellectual co-operation: I 350, II 522
- British: presented Mar. 26, text (French): II Doc. 26; to Art. 11: I 325, II 347, 514, 522; to Art. 12: I 326, 352, II 348, 522; to Art. 13: I 327-328, 352, II 348, 352, 515, 523; to Art. 14: I 328-329, 352, II 348, 352, 523; to Art. 15: I 330, II 349, 516, 523; to Art. 16: I 333, II 350-352, 523; to Art. 17: II 355, 523-524, 646; to Art. 19: I 338-339, 352, II 355 (18), 524, 646; new Art. 19: I 339-341, 353, II 355-356, 524, 529-530, 646; to Art. 22: I 341-342, II 356 (20), 524-525, 530-531, 647
- Cecil: to Preamble: I 311-312, II 336-337, 501; to Art. 2 re publicity of meetings: I 312-313, II 337, 501-502; to Art. 3: I 313-315, II 337-338, 502-504; to Art. 4: I 315-316, II 339-340, 504; to Art. 5: I 316-317, II 339-340; to Art. 7: I 317-321, II 340-342, 506-508; to Art. 8: I 320, II 342-343, 508-509; to Art. 15: I 333, II 350-351, 354 (11); to Art. 26: I 344, 348, II 357 (24), 360, 525, 533, 647; re women in League positions: I 348, II 360, 525, 537, 647
- Chinese: to Wilson's amendment re domestic questions: I 331-332, 336-337, 352, II 350, 517
- French: as to general form: I 402-403, 406, 512; to Art. 1: I 312, 321, II 337, 501; to Art. 3: I 314, II 347; to Art. 6: I 317, 352, II 340, 506; to Art. 8: I 319-321, 350-351, II 343, 360, 509-511, 525, 538; to Art. 9: I 324-325, 350-351, II 344-347, 352, 512-514, 525, 538; to Art. 11: I 325, 352, II 347, 514-515, 525; to Art. 12: I 326, 352, II 347-348, 352, 515, 525-526; to Art. 14: I 329-330, 352, II 348-349, 353 (6), 515-516, 526; to Art. 15: I 330, 352, II 350, 353, 526; to Art. 16: I 333-334, II 351, 518, 526; to Art. 20: I 340, 348, II 357, 526; to Art. 21: I 348-349, II 357 (new 19), 527, 531-532; Art. 21 bis: II 357, 527; to Art. 26: I 342-343, 346, 533-537
- Greek: to Art. 15: I 330-331, 352, II 350, 353 (8), 516, 527-528
- Japanese: to Art. 8 re revision of disarmament plans: I 319-321, II 342, 528; Art. 12 A re suspension of military preparations: I 327, 392-395, 400, 412, Drafting Com. report on: 414-415; II 348, 515, 528, 652, 676
- Kramar: to Art. 9: I 324, II 346-347
- Neutral Powers: text & discussion at meetings with Neutrals: II Doc. 25, I 278, 303-309, before Commission through Cecil: I 311, 315-316, 333, II 336-338, 351, 354 (11), 500-501, 517-518
- Wilson: to Art. 7: I 317, 319, II 340, 342; to Art. 10: I 325, II 347; to Art. 15 re domestic questions: I 322, 331, 352, II 350, 516-517, 518-519; to Art. 26 re withdrawal: I 322-323, 342-348, II 357-360 (24), 519, 533-537
- Article nos. of, compared with those of other drafts: I 129, 469-472
- Cecil-Wilson amended text of, of March 18: text: II Doc. 24; I 283-284
- Commission discussion of: meetings, 11-13, Mar. 22-26: I 336-353, Minutes (English): II 354-360, (French): 500-538
- comparison of with Drafting Committee (final) text: 410-411; with text presented to Plenary Session April 28: I 495-497, II 699-701; with Hurst-Miller Draft: I 127-129
- criticism of: generally: I 276, II 697, 817-818; American: 276-279, 298-302, W. J. Bryan: 374-377, Arthur Capper: 384-386, J. W. Davis: 368-374, Chas. E. Hughes: 382-385, newspapers: 386-389, E. Root: 377-382, W. H. Taft: 382; British: Cecil: 278-297, Borden: 354-362, W. M. Hughes: 363-368; Neutral Powers: I 278, 303-309, II Doc. 25, 336
- French text of: v. French text
- Neutral Powers discussion of: v. Neutral Powers, meetings with
- Plenary Session of Feb. 14 of Conference, discussion of: II Doc. 23; of April 28, reference to: II 699
- Report of Commission, reference to: II 697, 817-818
- Czecho-Slovakia: I 102; appointed to Commission: 118, 143, 149, 156, 168, II 256, 259, 263; memo. on spelling: I 476, 500
- Daniels, Josephus: letter transmitting Bryan's comments on League: I 377
- Davis, John W.: letter commenting on Cov. of Feb. 14: I 368-374; part of same requested: 535
- Davison, Henry P.: letter re Red Cross amendment: I 400
- Dawes plan: I 401
- Decisions of Assembly & Council: Art. 5; nature of discussed: I 356, 365-367, II 45, 58-59, 364 (4), 368-369
- De Lapradelle, Prof. A.: French text of Covenant written with D. H. M.: II Doc. 37, left col., I 518-520

- Denmark: I 240, v. also Neutral Powers, meetings with
- Devastated regions, special provision for: Art. 23 (e)
- Diplomatic privileges & immunities: Art. 7, par. 4
- Disarmament: Art. 8; also: Art. 1, par. 2; Art. 9, Art. 22, par. 5; Art. 23 (d) v. also Conscription & German
- International supervision and control of: v. French amendments to Arts. 8 & 9
- Preparatory Commission: I 37
- Washington Conference: I 382 & note
- Disease, prevention & control of: Art. 23 (f), Art. 25
- Disputes, international: to be submitted for settlement: Art. 12, to arbitration: Art. 13, to Council: Art. 15; sanctions of settlement of: Art. 16; involving non-members: Art. 17; suitable for arbitration, defined: Art. 13, par. 2; may be brought to Assembly or Council: Art. 11; over domestic questions: Art. 15, par. 8; no preparation for war while settlement of is pending: I 5, 9, v. Japanese amendment, Art. 12 A.
- Domestic questions: Art. 15, par. 8; v. also: Cov. of Feb. 14, Amendments, Wilson; & Immigration
- Dominican Republic: I 466–467, II 116
- Draft Arms Traffic Convention: II 323
- Draft Covenant of March 26: II Doc. 27, I 351–353, 403; article nos. of: 469–472; changes made in by Drafting Committee (final): 411–414
- Drafting Committee of Commission, of Feb. 12: appointment & members: I 122, 127; changes made by, memo. by D. H. M.: 213–216; report: II Doc. 19, 9th Meeting, Annex 1, I 216, 222; report on proposal for a Representative Assembly: I 273–274; text & amendments referred to: I 201–202, 208, 210, 212–214, 217–219; text from, (English): II Doc. 19, 9th Meeting, Annex 2, (French): Doc. 20, 9th & 10th Meetings, *passim*, I 213, 223–224
- Drafting Committee (final) of April 1–2, of Commission: appointment & members: I 350–351, II 360; meetings: I 402–408; report on Japanese amendment, Art. 12 A: I 414–415; text & amendments referred to: I 311–338, *passim*, 351–353, French proposals: 402–403, 406, British proposals: II Doc. 29; Hurst-Miller revision, basis of work: Doc. 28, I 390–402, 511
- Drafting Committee (final) text of April 5: II Doc. 30
- Amendments: Belgian: to Art. 7: I 442, II 365–368
- Cecil: re Organization Committee: v. Organization Committee
- Chinese: re Monroe Doctrine amendment: I 336, 442–450, 453, 460–461, 468, II 369–372, 383–384
- Commission: to Art. 25 (present 26): I 456–457, 468, II 386–387
- Drafting Com.: to Art. 15: I 454–455, 468, II 379–381; to Art. 16: v. *infra* Swiss; to Art. 21: I 455–456, II 384
- French: re official language: II 363–364; to Arts. 8 & 9: II 368–369; to Art. 20 re Monroe Doctrine: I 442–450, 453–454, 457–460, II 381–384, 392; to Art. 21 re historical objects: I 452, 455, II 384–386
- Japanese: Art. 12 A: I 454, 468, II 375–378; to Preamble, “equality amendment”: I 461–466, 468, 497, II 387–392
- Sub-com. on Seat of League: I 441–442, 468, II 365–368
- Swedish: to Art. 14: I 451, II 378–379
- Swiss: to Art. 16: I 405, 428–438, 455, II 381
- Wilson: re Monroe Doctrine: I 322, 442–451, 453–454, 457–461, 468, II 369–374, 381–384
- American criticism met by: I 388–389, 418
- Article nos. of compared with those of other drafts: I 469–472
- British note re: I 415–418
- Commission discussion of at two final meetings: I 439–468, 511, 515, II 360–394
- comparison of with Cov. of Feb. 14: I 410–411; with Draft of March 26: I 411–414
- French text of: v. French text
- Drafting Committee, general, of Peace Conference: I 498 & note; changes of in Covenant text: 499, 500, 503–504, in French Covenant text: 514, 530–535; memo. for re French text: 530
- Drugs, traffic in: Art. 23 (c)
- Drummond, Sir Eric: first Sec’y General: Annex to Covenant
- Economic equality: Art. 23 (e); Declaration for Equality of Trade Conditions, American & British Drafts: II Doc. 4, I 33, II 93; discussed generally: I 19–22 & notes, 46–47
- Economic Section of League, proposed: I 349, II 249, 357, 527
- English text of Covenant: adopted by Commission at final meetings, April 10–11: I 468 & note, 473–474, 515; drafting changes in: 474–476

English text—*Continued*

- of April 21: II Doc. 31, I 469, 476-478; changes made in before April 28: II Doc. 31, notes, I 477-488
- of April 23: I 483
- of April 27 submitted to Plenary Session of Conference: text: II Doc. 31; discussed at Plenary Session: Doc. 33, I 488-489; amendments to adopted at Plenary Session: I 493-494, 497-499, II Doc. 33 *passim*; changes in of general Drafting Committee: I 499-500; changes in attempted: 500-503; comparison of with Cov. of Feb. 14, by D. H. M.: I 495-497
- in "Conditions of Peace" of May 7: v. "Conditions of Peace"
- in Treaty of Versailles: v. Treaty of Versailles
- "Entangling alliances": I 30, 369
- Equality of States: I 7, 64, 140, 151; Lansing re: 23-24; & nationals, in Japanese amendment: I 461-465; Switzerland re: 304; Smuts re: II 39; Bourgeois re: II 570
- Equality of Trade: Art. 23 (e), v. also Economic equality
- Espionage: I 13 (4), 15
- Executive organs of League: Art. 2
- Expenses: of any bureau under direction of League: Art. 24, par. 3; of League: Art. 6, par. 5
- Financial Section of League, proposed: I 282-283 & notes, 292 & notes, 394, 400-401; in Hurst-Miller revision: II 667; report on by Financial Commission of Conference: I 282 & note, II 357, 713-714
- Finland: II 29, 36
- Foreign property, protection of: French proposal re: I 348-349, II 527 (21), 531-532
- Fourteen Points: I 12, 19 & note, 34 (d), 50, 101, II 238
- France & Mandates, re "troops for defence of territory": I 113, 115-116, 501-503, 531; II 216-219
- Franco-American Treaty of 1778: I 27-28
- Freedom of the seas: I 46, 50, 55, 61, 70, II 92, 105 (8), 154, 247
- Freedom of transit & communications: Art. 23 (e)
- French: amendments presented to Commission & to Conference: v. Hurst-Miller Draft; Cov. of Feb. 14; Drafting Committee (final) text of Apr. 5, Plenary Session of Apr. 28: Amendments, French
- notes of Apr. 22, 24 & 25, re Annex, to Covenant, Monaco, & Organization Committee: I 483-487
- Plan for a League of Nations: text,

- (English): II Doc. 19, (French): Doc. 20, 1st Meeting, Annex 2; I 10-12, 131-132, 246, II 231, 261, 318
- report on a Financial Section of the League: I 282-283 & notes
- French text of Covenant: Committee on: appointment: I 439-441, 466, 514-515, II 362-364, 393; work of: I 474-476, 485, 487-488, 515-531
- of Hurst-Miller Draft: II Doc. 20, 1st Meeting, Annex 1, I 131, 136, 212-213, 506
- of Drafting Committee of Feb. 12 text: I 223-224
- of Cov. of Feb. 14: II Doc. 10th Meeting, Annex 2, I 224, 305, 321, 506, 510
- of Hurst-Miller Revision for final Drafting Committee: I 511
- of Drafting Committee (final) text, April 7: II Doc. 36, I 406, 418, 439-440, 511-512; discrepancies between it & English text: I 452, 512-517, discussed by Commission: II 362, 393
- of April 16-17 written with de Lapradelle: II Doc. 37, left col. I 518-520
- of April 18, written with Larnaude: II Doc. 37, right col., I 520-522 & notes
- of April 21: II Doc. 38, I 522 & notes
- of April 23: II Doc. 39, I 523-527
- of April 27 submitted to Plenary Session: II Doc. 40, I 528-529, changes made in: 529-534; changes attempted in: 500-503
- of Treaty of Versailles: II Doc. 34, I 510, 519, 523, 534-536

Geneva, Seat of the League: Art. 7, par. 1

German acceptance of Covenant: I 280-281, 312, 397-399, 538; II 336-337

— colonies: I 88; Cecil re: 38; confiscation of decided: 105, 109 (1), 113; distribution of: 114-115 & note; France & Mandates for: 113, 115-116, 501-503, 531, II 216-219; Mandates resolution &: I 102-106, 108-110, 113-116, II Doc. 18; in Smuts Plan: I 34-36, 101, II 28-29; in Wilson Drafts: I 40-41, 43, 46, II 87-88

— disarmament: I 67, 95, 98, 243 & note, 246-253, 545-546

— Draft for a League of Nations: text, (English & German): II Doc. 35; discussed: I 538-539, 544; Allied reply to: I 539-541

— East Africa: v. German colonies

— International Workers' Charter: I 538, 548

— membership in League: British

German—*Continued*

- Draft re: II 116; Cecil re: 280-281, 284-285, 296; discussed by Commission: I 151, 164, 167, 197, 238, 239, 243, 246-253; discussed in German negotiations: I 538-539, 541-545, 547; not implied by acceptance of Covenant: v. *infra*, acceptance; v. also Art. 1, par. 2
- negotiations with Allied Powers re Treaty: I 498-499, 537-548
- Note of May 9, transmitting German Draft: I 538
- Observations of May 29: I 541-542 & note, 544-547; Allied reply: 542, 544, 547-548
- South-West Africa: I 36, 115, II 213, v. also German colonies
- Greece: member of Commission: I 118, 143, 149, 156, 168, II 256, 259, 263; of Council: I 477, 493
- Gregory, T. W.: draft for Monroe Doctrine clause: I 297, 298
- Guarantees of territorial integrity & political independence: Art. 10, v. also Canada, U. S., & Security

## Hague Conferences of 1899 &amp; 1907:

- French amendment re recognition of: I 175, 225, 229-230, 260-263, II 265-266, 298-299, 321-322, 378, 432, 467-468, 481; Bourgeois re at Plenary Sessions: II 160-163, 717; French Plan re: II 238-244

- Convention of 1907 re Pacific Settlement of International Disputes: mentioned, in French Plan: II 239, 240, 244; in Italian Draft: 252; in Phillimore Draft: I 6; in Vesnitch amendment: I 189

- Court of Arbitration: mentioned, in Cecil Draft: II 62; in Italian Draft: 251; Seat of League &: II 367; v. also Hague Conferences

## Haiti: II 116

- Hankey, Sir Maurice: Memo re. regular international conferences: I 6, 9

## Havana Conference of Feb. 1928: I 380 note

## Hawaii: I 114

## Health: Art. 25, Art. 23 (f)

- Hedjaz: I 446; speech of delegate of at Plenary Session, Feb. 14: II 578; v. also Turkey, territory of former Empire of

- Historical objects & antiquities, French amendment re: I 452, 455, II 384-386

- Hitchcock, Senator, G. M.: letter to Wilson commenting on Covenant of Feb. 14: I 276-277, 301, 323; answering cable to of D. H. M.: I 410-411

- Honduran proposal & speech re Monroe Doctrine at Plenary Session of April 28: I 497, II 715-717

- House, Col. E. M.: Draft for a League of Nations: I 12-15, text: II Doc. 2; Naval agreement, letter to Cecil re: I 423, draft letter to Lloyd George re: 421

- Hughes, Chas. E.: speech of Mar. 26 on objections to Covenant, summarized: I 382-384

- Hughes, W. M.: comments on Covenant of Feb. 14: I 363-368

- Humanitarian activities of League: Art. 23

- Hungary: rehabilitation of finances: I 401; v. also Austro-Hungarian Empire

- Hurst, Cecil J. B.: draft of Protocol of Acceptance of Membership in League: I 397-399;—Miller revision of Mar. 31 for Drafting Committee: I 390-402, 479, article nos. of : 469-472; Revision of Feb. 1 of Covenant: II Doc. 13, I 68

- Hurst-Miller Draft of Covenant: text, (English): II Doc. 19 (French): Doc. 20, 1st Meeting, Annex 1

- Amendments: Belgian: to Arts. 13 & 14: I 170, 179-182, 192-195, 208, II 269-270, text: I 176, memo. by D. H. M. on: 176-177

- British: text, with comments by D. H. M.: II Doc. 22, I 153; 1st series: to Preamble & Arts. 2, 3, 4, 6, 7, 9, 11, 13, 14: I 137-139, 145, 150, 153, II 256-257, 260-261, 264-265, 268, 269; 2nd series: to Arts. 15, 16, 17: I 53, 179-183, II 270, 272, 274-275, 441-443; 3rd series: to Arts. 18, 19, 23, 24: I 153, 183, 201-206, II 272, 274, 276, 288, 289-290, 443-444, 457

- Cecil to Art. 7: I 227-229, 237-240, II 303-304, 506-507; to Art. 9: I 243, 251-252, 256, II 319

- Drafting Committee of Feb. 7: to Arts. 11, 13, 15, 17, 19: I 194-196; II 283, 451-452

- French: to Preamble: I 225, 229-230, 260-263, II 298-299, 321-322, 467-468, 481; to Art. 6: I 201, 206, 208, 209, 221, II 202 (7), 263, 282, 292-293, 461-462, 472-473; to Art. 7: II 264; to Art. 8: I 201, 207, 209, 212, 216-217, 221, 243, 259, 308, II 282, 291-292, 317-319, 460-466, 474-477, text: 491; to Art. 9: I 260, 243-259, 308, II 320-321, 478-479, text, 491; to Art. 11: I 314, 325, 395; to Art. 12: I 326, 352; to Art. 14: I 201, 207-208, 263, II 282, 290-291, 458-460; to Art. 15: I 330; to Art. 16: I 263-264, II 322, 483; to Art. 17: II 272, 275, 323, 443, 486; to Arts. 20 & 21: I 348-349, II Doc. 20, 12th Meeting, Annex.

- Japanese: "equality amendment":

Hurst-Miller Draft—*Continued*

- I 183-184, 201, 210-211; text: 183; memo. on by D. H. M.: 184; before Commission: 268-269, II 323-325; 295, 439, 486-488
- Kramar: to Art. 7: I 243, 246-253, text: 253, II 318-319, 477
- Makino: to Art. 8: II 264-265; correction to Art. 17: II 273
- Miller: list of pending amendments, Feb. 11: I 201; v. also *infra* Belgian, British, Japanese, Percy
- Percy-Miller: to Art. 10: I 192, 195, II 282, 284, 452
- Portuguese: to Art. 8: I 214, 221, 259-260, II 210, 317
- Veniselos: to Art. 13 re unanimous recommendation of Council: I 192-193, 92, II 269
- Vesnitch: I 188-190, 200, 201; to Art. 11: II 282, 452; to Art. 13: II 268; to Art. 17: II 273, 443; to Art. 21: II 279
- Wilson: to Art. 6: II 260-261; to Art. 7: II 264; to Art. 12: 265; to Art. 13: 269; to Art. 14: 269; to Art. 17: II 272, 276, Annex 3, 443; to Art. 18: 273; to Art. 20: 279, 446; to Art. 21: 279, 446
- article nos. of compared with those of Cov. of Feb. 14: I 149; of subsequent drafts: 469-472
- Commission discussion of, Meetings 1-10, Feb. 3-13: I 130-271; Minutes (English): II 230-335, (French): 395-500
- comparison of with Cecil-Miller Draft: I 68-71; with Cov. of Feb. 14: 127-129
- French text of: v. French text
- preparation of: I 67-71
- Wilson re: I 72-73, 75

Immigration: Swiss proposal re: I 335 & note, 336; U. S. &: 277, 370, 379, 383, 386, 461-462; v. also Domestic questions

India: membership in League: I 51, 53-54, 227, 284, 492-493, II 261, 303, & govt. of: I 157-158, 164-166; v. also British Dominions

Industry: international organization of: I 348-349, II 527, 531-533; v. also Art. 23 (a)

Intellectual cooperation: International Commission on, Belgian proposal for: I 350, II 522

Interallied debts: I 348-349, 401

International: bureaux: Art. 24

— Council of Women: v. Women

— force, an: I 11-12, 42; in French Plan: II 241-243; French proposals for before Commission (amendments to Arts. 8 & 9): I 207, 209-210, 216-217, 253-259, 371, II 292-297,

344-345, 460, 462-466; at Plenary Sessions: 575-576, 706-713

— general staff, an: French proposals for: I 243-259, 324, 350, II 242-243, 320-321, 478-479

— inspection of armaments: v. French amendment to Art. 8

— Labor Organization: proposals for: I 191, 233, 340-341, 353, 361, 394, 400, 417 (xxii), II 62, 249, 273, 276 (annex 4), 356-357

— law: codification of: I 33, 37, 305, 378-379, 380 & note, 381, II 92; established rule of conduct among govts.: Preamble; Institute of: II 363; questions of before Assembly: II 364

— trade: Art. 23 (e), v. also Economic equality

Interparliamentary Union: I 38, 65, II 62

Iraq: v. Mesopotamia

Ireland: I 294, 490, 491, v. also British Dominions

Ishii, Viscount: speech of Mar. 14 in New York: I 295 & note

Italian Draft for a League of Nations: text, (English): II Doc. 19, (French): Doc. 20, 1st Meeting, Annex 3, (Italian): Doc. 21; I 131-132, 150, 153, II 231, 261

Italy: preliminary Peace terms &: II 181-191; signing of Treaty &: I 499, 502-503, 531; territorial claims of: I 34, 65-66, 102, 499

Japan: an Asiatic Monroe Doctrine &: I 295, 453; Pacific islands &: I 144; govt. of: I 158, 166; U. S. &: I 291, 293-295 & note, 381

Japanese amendments presented to Commission & Conference: v. Hurst-Miller Draft, Cov. of Feb. 14, Drafting Committee (final) text of April 5; Plenary Session of April 28: Amendments, Japanese & Makino

Jefferson, Thos.: opinion on passage of troops through neutral territory: I 432 & note

Jugo-slavia: v. Serb-Croat-Slovene State

Justiciable disputes defined: Art. 13, par. 2

Kiao-Chow: I 103, 186, 187, II 87-88

Klotz, L. L.: proposals for a Financial Section of League: I 282-283 & notes, 394

Knox, Senator: amendments suggested to Covenant: I 385; speech on League: 322 & note

Koo, V. K. Wellington: amendments presented to Commission; v. Covenant of Feb. 14, Drafting Committee (final) text of April 5: Amend-

- Koo, V. K. Wellington—*Continued*  
 ments, Chinese; speech re Japanese  
 "equality amendment": II 391
- Kramar, Charles: amendments presented to Commission: v. Hurst-Miller Draft: Amendments, Kramar Kurdistan: I 102, 109, 115, 186, II 220, v. also Turkey, territories of former Empire of
- Labor: fair & humane conditions of: Art. 23 (a); International Organization of: v. International Labor Organization; representation of in League: v. Representative Assembly
- Languages, official: of Commission on League: I 123-126, 142, 149, 156, 321, 506, 515, II 363-364; of Covenant: generally: I 535-536, French proposals re: II 362-364, v. also French text of Covenant; of League: I 505, French proposal re: II 363-364; of Peace Conference: I 505-506; of Permanent Court: I 505; of Treaty, 505
- Lansing, Sec'y Robert: drafts for League of Nations resolution: I 77-81; early suggestions & memos. listed: 22-23, 28-29, discussed: on equality of states: 23-24, on treaties to declare war in future: 24-28, on registration of treaties: 29, on negative & positive guarantees: 29-31; Ishii agreement &: I 336
- Larnaude, Prof. F.: amendments presented to Commission: v. Hurst-Miller Draft, Cov. of Feb. 14, Drafting Committee (final) text of April 5: Amendments, French; French text of Covenant agreed on with D. H. M.: II Doc. 37, right col., I 520-522 & notes; letter to D. H. M. re par. 9 of Art. 15: 532-533; proposal re jurisdiction of Permanent Court: I 329-330
- Lausanne, as Seat of League: I 285, v. also Art. 7, par. 1
- "League of Nations", "Society", "Société", discussion & choice of name: I 18, 134-135, 138, 141-142, 149, II 256, 423
- League of Nations: Commission on: v. Commission on League of Nations
- drafts for Covenant of: v. Covenant
- nature of: not a super-state: I 320, 363-368, II 36-38, 45, 238, 243; sovereignty of States preserved in: I 305 (6 & 7), 306, 332, 345, 355, 371, II 343, 623, 631, 644 (18 bis), 566, 567-568, 569, 623; Bourgeois re: II 706-707; v. also Decisions & International force
- resolution: drafts for: I 76-82; text adopted by Council of Ten: I 77-79, by Plenary Session: I 76, II 155-164, 229-230
- Lebanon: v. Turkey, territories of former Empire of
- "Liquor traffic," "trafic de l'alcool": I 510
- Lloyd George, David: negotiations re a naval agreement & Monroe Doctrine clause: I 277-278, 337-338, 420-427
- Locarno Treaty: I 199, 333, 380; British Dominions &: I 492
- Lodge, Henry Cabot: I 276, 299; amendments suggested to Covenant: I 385; speech of Feb. 28 on Covenant summarized & commented on by J. W. Davis: I 369-372
- Magdalena Bay: I 291, 381, 388
- Makino, Baron: amendments presented to Commission & Conference: v. Japanese amendments
- Mandates: Art. 22; distribution of: I 114-115, II 220-226; v. also: British Dominions, British Draft Convention re, Council of Ten resolution re; France, German colonies, Smuts resolution, U. S.
- "Mandatory": spelling of: I 223 (d), 504
- Mediation Office, International: I 540
- Membership in League: Art. 1 & Annex; v. also British Dominions, Neutral Powers, "self-governing", & names of separate countries
- loss of: Art. 16, par. 4 Art. 26, par. 2
- Mesopotamia: I 102, 103, 104, 108, 114 note, 117, 186, v. also Turkey, territories of former Empire of
- Mexico: membership in League: I 227, 318, 466-467, II 116
- Miller, D. H.: Accession clause, draft for: I 319
- amendment of Cov., note re: I 204
- amendments pending Feb. 11, list of: I 201
- American criticism of Cov., comment on: I 389
- American Program, the: I 19-21 & notes
- Annex, draft for: I 409
- Belgian amendments, memo. on: I 176-177
- British amendments, comments on: I 153, II Doc. 22
- cable to Hitchcock re changes in Cov.: I 410-411
- Cecil- Draft: v. Cecil-Miller Draft
- Cecil-Wilson conference, statement on: I 296-297
- changes in Cov. drafts, memos. re: made by Drafting Committee of Feb. 12: I 213-216; later minor changes in Drafting Committee text: I 222-223; comparison of Drafting

- Miller, D. H.—*Continued*  
 Committee (final) text with Draft of Mar. 26: I 411-414; drafting changes made in English text of April 17-19: I 474-476; comparison for Wilson of Cov. text presented to Plenary Session April 28 with Cov. of Feb. 14: I 495-497; unauthorized changes in Treaty text: I 502-503  
 —Comments & Suggestions on Wilson's Second Draft: I 44-48  
 —Commission on the League of Nations, memo. on: I 123-126  
 —Covenant in the Treaty, memo. re: I 100  
 —Draft Agreement for an Association of Nations: I 19, 31  
 —Equality of Trade, statement re: I 19-22 & notes  
 —Hurst: Draft of Covenant: v. Hurst-Miller Draft; revision of Mar. 31 for Drafting Committee: I 390-403, 469-472  
 —Japanese "equality amendment," memo. re & redraft of: I 184  
 —letter to Cecil re representation of Dominions in Council: I 480-481, re naval agreement: I 423-424; to Lamont re Root's criticism of Cov.: I 300-301; to Larnaude re Art. 15: I 533; to Wilson transmitting Fourth Draft: I 75  
 —League of Nations resolution, draft for: I 77  
 —Monroe Doctrine clause, drafts for: I 298, 323, 336-337  
 —Naval Appropriation bills of U. S., memo. re: I 422-423  
 —Open Diplomacy, declaration for: I 19, 33  
 —Organization Committee, draft for: I 451-452  
 —Percy: draft for Art. 10: I 192, 195  
 —President's power to leave U. S., opinion re: I 278 & note  
 —Red Cross Article, draft for: I 402, 407  
 —Scott: Draft Agreement for a League of Nations: I 32-33; opinion on Preliminaries of Peace: I 91-92; "Summary observations" on Smuts Plan I: 34-35  
 —treaties to declare war in future, memo. re: I 26-28  
 Minorities, racial or national: I 40, 47, 52-53, 70, 102, II 25, 29, 36, 91, 105 (vi), 153-154; German proposals re: I 548  
 Monaco: French proposal re invitation to, to join League: I 483 & note - 487, 497, 522, II 717-718  
 Monroe Doctrine: Art. 21, v. also Covenant of Feb. 14: criticism, American, & Drafting Committee (final) text of April 5: Amendments, Wilson.  
 Mosul: I 329 note; v. also Mesopotamia  
 Munitions, private manufacture of: Art. 8, par. 5  
 Natives, just treatment of: Art. 23 (b)  
 Nauru: v. Pacific islands  
 Naval: agreement between Great Britain & U. S., negotiations for: I 277-278, 337-338, 419-427  
 —Appropriation bills of U. S.: I 422-423  
 —Armaments Limitation Treaty: I 382  
 Netherlands: I 6, v. also Neutral Powers, meetings with  
 Neutral Powers: admission to League, as original members: Art. 1, par. I & Annex, I 227, 236-240, 281, 318-319, 394, 397-399, 415, 495-496, II 116, 303-304, 340-342, 393; Portuguese delegate re: II 718-719; admission later: Art. 1, par. 2  
 —amendments to Covenant of Feb. 14: text & discussion of at meetings with Neutral Powers: II Doc. 25, I 278, 303-309; before Commission through Cecil: I 311, 315, 316 & note, II 336, 351, 354 (II), 500-501  
 —meetings with sub-committee of Commission: minutes, & amendments proposed: II Doc. 25, I 278, 296, 303-310, II 336  
 —membership in Council: II 393  
 Neutrality & membership in League: I 238, 308-309 (xvi), 429-438 & notes, v. also Switzerland & Neutral Powers  
 Newfoundland: membership in League: I 61, 477  
 New Guinea: I 36, 115, II 208-209, v. also German colonies  
 New States: Committee on: I 40, 61, II 29; membership in League: II 116, 120, 140; in Smuts Plan: 29, 33-37; supervision of by League: 33-34, 90, 97, 104-105, 108; in Wilson Draft: 90  
 New York Sun: comments on Covenant of Feb. 14: I 387  
 —Tribune: comments on Covenant of Feb. 14: I 387  
 —World: comments on Covenant of Feb. 14: I 387  
 New Zealand; Mandates &: I 105, 112, 115, II 203-209, 213; v. also British Dominions  
 Non-permanent members of Council: Art. 4, pars. 1 & 2, v. also Small Powers  
 Norway: membership in League: I 239-240, in Council: I 477; v. also Neutral Powers, meetings with

- Numbering of Covenant Articles: v.  
Article numbers, of paragraphs: v.  
Paragraphs
- Open Diplomacy: Declaration for by  
D. H. M.: I 19, 33; established by  
League: I 552-553; v. also Preamble,  
Art. 18, & Publicity
- Opium, traffic in: Art. 23 (c)
- Organization Committee for League:  
appointment: I 348, 350; resolution  
for: 451-452, 467-468, II 360, 393-  
394, 698, 701; French proposals re:  
I 484-487, 493; meeting, first, &  
resolution of: I 500-501
- Pacific islands: I 103-104, 113-114
- Palestine: I 102, 104, 109, 114, 186,  
v. also Turkey, territories of former  
Empire of
- Panama: speech of delegate of at Plen-  
ary Session of April 28: II 714-715  
— Canal Treaty: I 25
- Paragraphs of Covenant numbered: I  
504 note
- Paraguay: v. Neutral Powers, meetings  
with
- Passage of troops: Art. 16, par. 3;  
Thos. Jefferson re: I 432 & note; v.  
also Swiss amendment to Art. 16
- Peace Conference: Commission of on  
League of Nations: v. Commission;  
Committees of to consider German  
comments on Treaty: I 537-538;  
General Drafting Committee of: v.  
Drafting Committee, General; Plen-  
ary Sessions of: v. Plenary Session;  
Procedure of: v. Balfour resolution,  
Preliminaries of Peace & Publicity
- Percy, Lord Eustace: Amalgamation  
suggested, of British Draft & Wil-  
son's Third Draft: II Doc. 11, I 55-  
56, 217 note
- - Miller draft of Art. 10: I 192, 195
- - Miller changes agreed on in Drafting  
Committee text Feb. 12: I 222-  
223
- Permanent Court of International Jus-  
tice: v. Court
- Persia: II 116
- Peru: I 299-300
- Philippines: I 114, 480
- Phillimore, Lord: Committee of, on a  
League of Nations: I 3 & note,  
Interim Report: 3-8, Note on French  
Plan: 10-12
- Draft Convention: II Doc. 1, I 3;  
comparison with Covenant: 8-10,  
15, with Smuts Plan: 37-38, with  
Wilson's Second Draft: 40, with  
Cecil's Draft: 51-52
- Plenary Session of Peace Conference:  
of Jan. 25: re League of Nations  
resolution: minutes: II Doc. 15, I 55,  
76, 79, 81, 84, 92, II 155-164, 229-  
230; re a Financial Section of League:  
I 282 note
- of Feb. 14: re Covenant of Feb. 14  
presented by Commission: minutes:  
Doc. 23, I 118, 123, 128, 224, 229,  
264-265, 240-242, 267, 270-271
- of April 28: re Covenant presented  
by Commission: minutes: Doc. 33,  
I 436; amendments presented:  
French: I 497, II 706-713, 717;  
Honduran: I 497, II 715-717; Jap-  
anese: I 497, II 701-704; Wilson:  
I 497-499, II 701-702, 708; changes  
adopted: I 529 & note, 530, 534;  
resolution re Covenant adopted,  
text: I 493-494, re Seat of League:  
I 494-495, II 704
- of May 6: re "Conditions of Peace":  
I 503
- Poland: I 84, 88, 96, 102, II 29, 36;  
appointed to Commission: I 118, 143,  
149, 156, 168, II 256, 259
- Portuguese amendment presented to  
Commission: v. Hurst-Miller Draft:  
Amendments, Portuguese; declara-  
tion at Plenary Session of April 28:  
II 718-719
- "Preliminaries of Peace" re military,  
naval & air conditions: resolution  
adopted by Supreme War Council of  
Feb. 12: text: I 86, discussed gener-  
ally: 87-99, discussed by Supreme  
War Council: II Doc. 16, mentioned  
by Council of Ten: II Doc. 17  
*passim*, Scott-Miller opinion on: I  
91-92; v. also Balfour resolution
- Preparation for war to be suspended  
during settlement of dispute, pro-  
posals for: I 5, 9; in Smuts Plan: II  
53; Japanese amendment: v. Japane-  
se amendment, Art. 12 A
- Procedure: in Assembly & Council: Art.  
5; in Commission on League: v.  
Commission
- Protocol: meaning of term: I 270 note;  
of Acceptance of Membership in  
League, drafts for: I 397-399, v.  
also Annex of Covenant; of Geneva:  
I, 17, 181, 182, 199, 380 & note, 438
- Publicity: of Assembly proceedings:  
I 306, 312-313, II 337; of Council:  
II 43; of League records: II 92; of  
Peace Conference: I 43
- Racial & national equality: v. Japanese  
"equality amendment"
- Red Cross: Art. 25
- Religious liberty Article: in Wilson  
Draft: I 50; British amendment  
draft: II 555; before Commission: I  
191, 195-196, 215 (xxi), 218 (8),  
II 105 (vii), 141, 154, 231, 273-274,  
282, 283, 286-287; Drafting Com-  
mittee report on: I 221, II 307, 315;  
before Commission: I 261, 267-269.

- Religious liberty Article—*Continued*  
462, II 323-326, 449-450, 451-452, 455, 486-489; v. also Japanese "equality amendment"
- Reparations: I 41, 278; for breach of Covenant: I 541, II 113, 126
- Representative Assembly, proposals for: Smuts amendment: text: I 218, 220; Drafting Committee report on: I 226, II 305; discussed by Commission: I 231-236, II 299-301, 468-469; summarized: I 272-275
- Representation of Small Powers; v. Small Powers
- Responsibility for the war: I 225, 229-230, II 282, 298-299, 450, 467-468
- Root, Elihu: amendments proposed to Covenant: I 377 & note -379, discussed: 379-382, 404; views on Covenant of Feb. 14, summarized: I 298-299, comments on by D. H. M.: 300-301
- Roumania: appointed to Commission: I 118, 143, 149, 156, 168, II 256, 259, 263
- Ruble, George: drafts for Red Cross Article: I 400-401, 407
- Russia: I 34, 101, 151, 186, 261, 284-285, 296, II 116; decomposition of former Empire of: II 25-33, 37, 97; Mandate system &: II 272-273
- Saar Basin Treaty clauses & reference to Council: I 498
- Samoa: I 115, II 208-209, v. also German colonies
- Sanctions of pacific settlement: Art. 16
- Scandinavian proposal to Committee of Jurists: I 305 & note, II 629, 640
- Scott, James Brown-Miller Draft Agreement for a League of Nations: I 32-33; Miller "summary observations" on Smuts Plan: 34-35; Miller opinion on ratification of Preliminaries of Peace: 91-92
- Seat of League: Art. 7, par. 1
- Secretariat of League: Art. 6
- Secretary General of League: Art. 6; first: Annex
- Security, French: French proposals re before Commission: I 210, 243-259, II, 292-297, 462-466; Art. 10 &: I 282, 289, 297; withdrawal clause &: 277, 293, 297; generally: 278, 337-338; D. H. M. re: 300-301
- general: disarmament &, British Admiralty re: I 287 (2)
- Self-governing States admitted to League: Art. 1, par. 2; I 11 (4) 59 (xii); Wilson amendment re & meaning of term discussed: I 157-158, 164-167, 228, 239-240, 523, II 260-261, 303, 427-428, 473
- Senate, U. S.: Committee on Foreign Relations: I 44, 89; Art. 10 &: I 168, 170; Covenant in the Treaty &: 99-100; League &, generally: I 276-277, 291, 294, 299, 296, 300-301, 368-372, 382, 346-347, 418, 553-554; Preliminaries of Peace &: 87, 89-92; non-ratification of Treaty: 100, 279, 554; receives Wilson's Fourth Draft: 74-75
- Serb-Croat-Slovene State: I 66, 102, 500, 534, II 29, 36, v. also Austro-Hungarian Empire & New States
- Serbia: I 84
- Shantung: I 278
- Shepardson, W. H.: account of Commission on League: I 120-123; list of references to final Drafting Committee: I 352-353; statement re Japanese "equality amendment": I 465-466
- Small Powers, representation of: in Assembly: II 39-41; in Commission on League: I 84-85, 138-139, 142-144, 149, 156, 158, 168, II 256, 259, 263; in Council: I 38, 40, 51, 53-54, 57-58, 72, 134, 137-138, 140-141, 146-148, 150-155, 157, 159-163, 168, 226-227, 304, 313-314, 477-480, 493, II 39, 41-42, 257-258, discussed at meetings with Neutrals: I 306-307, II 624-625; in Permanent Court: I 64
- Smuts, Gen. Jan Christian: Mandates resolution: origin of: I 105-109, before Council of Ten: II Doc. 18, I 109-110, 112-116, text as adopted: 109-110, comparison of with Art. 22: I 110-111, Commission discussion of: I 185-190, 260, II 272-273, French text of: I 507-510, 514, 519
- Plan, "The League of Nations, A Practical Suggestion": II Doc. 5, I 34; Scott-Miller observations on: 34-35; discussed: 35-39, 101, 105
- Representative Assembly, proposal for: I 212, 220, 226, 231-236, 274-275, II 299-301
- Socialist proposals for a Representative Assembly: I 272-273
- Sovereignty of States & League: v. League of Nations, nature of
- Spain: membership in Council: I 399, 477, 493, II 393; v. also Neutral Powers, meetings with
- Spanish-American War: Armistice of: I 90-92; Treaty: 25, 279
- "States Members of the League": adopted in lieu of "H. C. P.": I 311-312, II 336-337; British proposals re: I 284, 391-392, 477, 492, 522, 528
- States non-Members of League: Art. 17
- Supreme Council, Supreme War Council, Council of Ten, Five, Four, Three: explanation of terms: I 77-78 note; meetings: v. separate terms
- Supreme Council: distribution of Mandates &: I 114 & note
- War Council: I 77-78 note; resolu-

- Supreme Council—*Continued*  
 tion re Preliminaries of Peace &:  
 II Doc. 16, I 86-91, 97-99
- Super-state: v. League of Nations,  
 nature of
- Sweden: v. Neutral Powers, meetings  
 with
- Swedish note re formulation of plans  
 for Permanent Court: I 451, II 378-  
 379
- Swiss amendments to Cov. of Feb. 14:  
 II Doc. 25; I 303-309, 315 & note,  
 — amendment to Art. 16 re passage of  
 troops: I 405, 428-438, 455, II 381,  
 630  
 — memo. commenting on Cov. of Feb.  
 14: I 303-305, 429  
 — memo. re neutrality of Switzerland:  
 I 303, 429-432  
 — note re Geneva as Seat of League:  
 I 316, II 339, 504-505  
 — referendum on entrance into League:  
 I 436 & note
- Switzerland: neutrality of & entrance  
 into League: I 227, 237-240, 285,  
 303-304, 316, 428-438, Council reso-  
 lution of Feb. 1920, re: 437-438  
 — Seat of League &: v. Art. 7, par. 1;  
 — v. also Neutral Powers, meetings  
 with, & Swiss
- Syria: I 102, 104, 109, 114 note, 115,  
 117, 186, v. also Turkey, territories  
 of former Empire of
- Tacna-Arica: I 299-300
- Taft, William H.: amendment sug-  
 gested re domestic questions: I 298,  
 331; cable of Mar. 18 on Covenant  
 of Feb. 14: 276-277, 323; cable of  
 Mar. 29 on essential amendments: 382
- Tanganyika: I 104 note, v. also Ger-  
 man colonies
- Territorial integrity & political inde-  
 pendence: Art. 10, v. also Canada,  
 Security, & U. S.
- Territorial readjustments: Art. 19
- Togo: I 115-116, v. also German  
 colonies
- Treaties: abrogation of: Art. 20; par-  
 ticular, between Members against  
 war, Belgian amendment re: I 332-  
 333, II 350-351, 516-517, text: 354,  
 522, v. also Art. 21, & Alliances;  
 publicity of: Art. 18; ratification of:  
 I 279; revision of: Art. 19; registra-  
 tion of: Art. 18; to be respected: Pre-  
 amble; to declare war in future, dis-  
 cussed: I 24-28, 53, 367, 384, II 80;  
 withdrawal from, discussed: I 293
- Treaty of Versailles: American Skeleton  
 Draft: I 32-33; Covenant a part of:  
 v. Covenant in the Treaty; Covenant  
 text of: (English & French): II Doc.  
 34, I 503-504 & note, 534-536, gen-  
 erally: 549-556, (French): v. French  
 text of Cov.; "Conditions of Peace"  
 draft, of May 7: v. "Conditions of  
 Peace"; General Drafting Com-  
 mittee for: v. Drafting Committee,  
 general; German negotiations re:  
 I 498-499, 537-548; preparation of:  
 v. Preliminaries of Peace, & Balfour  
 resolution; reference to in Covenant:  
 Art. 5, par. 1, I 498
- Troops: for "defense of territory" in  
 Mandates, French opinion re: I 113,  
 115-116, 501-503, 531; passage of:  
 Art. 16, par. 3, v. also Swiss amend-  
 ment re
- Turkey: membership in League: I 164,  
 239-240  
 — protection of historical monuments  
 of: I 452, 455, II 384, 385  
 — territories of former Empire of &  
 Mandate system: I 34, 46-47, 50,  
 101-105, 109-110, 113-115, 117, 186,  
 II 25-33, 87-88, 96-97, 103, 151-  
 152, 220-227, Council of Ten dis-  
 cussion: Doc. 18  
 — Treaty, preparation of preliminary  
 terms of: II 185, 189-191
- Unanimity rule of procedure: in League:  
 Art. 5, par. 1; in Commission: v.  
 Commission, procedure
- Union of South Africa: Mandates &:  
 I 36, 115, II, 209-213; v. also British  
 Dominions
- United States: Art. 10 &: I 30-32, 168,  
 299-300, 369, 379, 382, 388-389, 418,  
 II 70-72  
 — British Dominions' status &: I 489-  
 492  
 — Caribbean policy: I 381  
 — criticism of League: I 276-279, 291,  
 298-302, 368-389, 418, 550-551, 553-  
 554; support of League: I 156-158  
 — Hague Court of Arbitration &: I 263,  
 — international force &: I 209-210  
 216 217, II 293-294, 343  
 — immigration &: v. Immigration  
 — isolation policy: I 369, 385  
 — Japan &: I 291, 293-295, 381  
 — Mandates &: I 44, 103-104, 117,  
 II 96-97, 197, 224-225  
 — Monroe Doctrine &: v. Art. 21  
 — navy: v. Naval  
 — newspaper comment on Cov. of  
 Feb. 14: I 386-389  
 — non-membership in League: I 550-  
 554  
 — obligatory arbitration &: I 379-380  
 & note  
 — President's power to leave country:  
 I 278 & note  
 — ratification of treaties: I 100, 279  
 — Senate; v. Senate, U. S.  
 — Supreme Court: I 329  
 — treaty making power: I 24-28, 53,  
 35 (j), 87, 89-92, 203-204, 384, II 80

Universal Postal Union: I 7, 63, II 62, v. also Art. 6, par. 5

Uruguay: speech of delegate of, at Plenary Session of April 28: II 705-706

Venezuela: v. Neutral Powers, meetings with

Veniselos, E.: amendments presented to Commission: v. Hurst-Miller Draft, Cov. of Feb. 14: Amendments, Greek & Veniselos

Vesnitch, M. R.: amendments presented to Commission: v. Hurst-Miller Draft: Amendments, Vesnitch

Voting in League: Art. 5

War: any or threat of, of concern to League: Art. 11; in disregard of Covenant: Art. 16; obligations not to resort to: Preamble, Art. 12, par. 1, Art. 13, par. 4, Art. 15, par. 6; preparation for suspended during settlement of dispute: I, 5, 9, II 53, v. Japanese amendment, Art. 12 A Washington Disarmament Conference: I 382

Washington's farewell address: I 28, 369

Wilson, Woodrow: amendments prepared re domestic questions, Monroe Doctrine, & withdrawal: I 322-323; amendments presented to Commission & Conference: v. Hurst-Miller Draft, Cov. of Feb. 14, Drafting Committee (final) text of April 5, Plenary Session of April 28: Amendments, Wilson

— Cecil text agreed to on Mar. 18: II

Doc. 24, I 283-284; printing of: 296, 301; before Commission: 310-315, 329, 333, 338, 510; article nos. of 469-472

— Covenant Drafts: First Draft: II Doc. 3, I 15-17; Second, with comments & suggestions of D. H. M.: II Doc. 7, I 40-41, 44-48, 202; Third: II Doc. 9, I 48-50, 202, Cecil re: 43 51-62, Percy's suggested amalgamation of: II Doc. 11, I 55-56, Orlando re: 65-67; Fourth: II Doc. 14, I 72-75, 130, letter to D. H. M. re: 75, letter of transmittal to U. S. Senate: I 74-75; summary of drafts: I 73-75

— Fourteen Points: I 12, 19 & note, 101 — letter: to D. H. M. re Fourth Draft: I 75; transmitting Fourth Draft to U. S. Senate: I 74-75, 130; summoning Organization Committee: I 500 — note on Neutrals invited to accede: I 467

— statement to members of Inquiry, Dec. 1918: I 41-44

— trips to Paris, discussed: I 278 & note -279

— U. S. criticism of Covenant &: I 276, 301

Withdrawal from League: Art. 1, par. 3, Art. 26, par. 2; v. also Cov. of Feb. 14: Amendments, Wilson

Women: & children, traffic in: Art. 23 (c); qualified to hold positions in League: Art. 7, par. 3; International Council of: I 324 & note, 439 & note, II 344, 361-362, 697, 818; suffrage: I 439

Yap: v. Pacific islands













